CASE No.: 2:17-CV-05075-AB (JPR)

AND RESPONSES

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22	PERFECT 10, INC. and NORMAN ZADA
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CASE No.: 2:17-CV-05075-AB (JPR)

Plaintiffs Giganews, Inc. and Livewire Services, Inc. offer exhibits 4-293, 377-394; Defendants Perfect 10, Inc. and Norm Zada offer exhibits 294-376, 395.

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4	02/13/2015 Perfect 10 Financial Report for 12/31/2014	No objections.	n/a		
6	Spreadsheets of Transfers Between Perfect 10 and Zada; Legal Payments 2016 Onward	No objections.	n/a		

2 3	E N	X. 0.	Description	Objection and Reasons	Response	Date Identified
	7		07/24/2002	Exhibit	No evidentiary	
4			Letter to	contains	exclusion for	
5			Norman Zadeh	unsigned	unsigned	
_			from Gregory	unused demand	documents and	
6			Larson	notes which are	Mr. Zada, and	
7			w/attachments	irrelevant and	Ms. Poblete can	
8				prejudicial and	authenticate at	
				improper	trial; relevant to	
9				character	show intent in	
10				evidence. (FRE	making transfers	
				402, 403, 404,	(by way of	
11				see Defendants	showing Mr.	
12				Motion in Limine	Zada's attempt to cover up the	
12				("MIL") #2)	fact his	
13				(WHE) "Z)	contributions	
14					were paid in	
15					capital);	
					admissible to	
16					show intent, not	
17					propensity to	
10					keep accurate	
18					business records	
19					or other	
20					character traits.	
21	8		Repayment of	Exhibit	No evidentiary	
22			Principal	contains	exclusion for	
22			notices	unsigned	unsigned	
23				unused	documents and	
24				repayment	Mr. Zada, and	
				notes which are	Ms. Poblete can	
25				irrelevant and	authenticate at	
26				prejudicial (and	trial; relevant to show intent in	
				improper character	making transfers	
27				evidence (FRF	(by way of	

evidence. (FRE

402, 403, 404,

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JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

(by way of

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showing Mr.

Date Admitted

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		see MIL #2)	Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		
9	04/21/2015 California Title Company cover letter and closing documents for 11803 Norfield Court property	completely	No federal or Local Rule limiting length of exhibits – Defendants produced as a single PDF; relevant to show intent and challenge Defendants' good faith defense; non- hearsay offered as evidence of Mr. Zada's state of mind; Zada and Perfect 10 statements are party admissions; not hearsay because records of documents that		

1 Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3 4 5 6 7 8 9 10 11 12 13 14			affect an interest in property, statements in documents that affect an interest in property, present sense impression, and more probative on the point for which it's offered that any other available evidence; business records exception. (FRE 803, 807).		
15 10 10 10 10 10 10 10	03/27/2017 Membership Interest Purchase Agreements re CW International and June 21, 2018 email string from V. Weber to N. Zada re accountant says no record of Perfect 10 investing in CWI	Completely irrelevant. It is also hearsay. (FRE 402, 403, 802 see MIL #3)	Relevant to show intent and challenge Defendants' good faith defense; non-hearsay offered as evidence of Mr. Zada's state of mind; Zada and Perfect 10 statements are party admissions; not hearsay because records of documents that affect an interest in property, statements in		

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Ex No.	_	Objection and Reasons	Response	Date Identified	
			documents that affect an interest		
			in property,		
			present sense impression, and		
			more probative		
			on the point for which it's		
			offered that any		
			other available evidence;		
			business records		
			exception. (FRE 803, 807).		
			·		
11	07/05/2019 NA	NI1-ii	/-		
11	07/05/2018 M. Poblete	No objections.	n/a		
	LinkedIn				
	profile		,		
12	08/21/2017 Email string	No objections.	n/a		
	from M.				
	Poblete (gracemelly@li				
	ve.com) to B.				
	Hersh, cc: Zada re Norm's EDD				
	audit				
13	Packet of	No objections.	n/a		
	Perfect 10 endorsed				
	checks to M.				
	Poblete				
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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
14	06/16/2015 E- mail chain from M. Poblete to B. Hersh re Reminder	No objections.	n/a		
15	Bank of America transactions/ch ecks written from N. Zada to M. Poblete	No objections.	n/a		
16	07/19/2017 E-mail chain from M. Poblete to B. Neurman, bcc: N. Zada re Department of Labor re-sends the Delinquent Filer Voluntary Compliance inquiry letter	No objections.	n/a		
17	08/16/2017 E-mail chain from N. Zada to G. Augustine & M. Poblete re hot water was too hot need new thermostat	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
18	07/25/2016 Email from M. Poblete (gracemelly@li ve.com) to B. Hersh re Norm's EDD audit	No objections.	n/a		
19	09/04/2017 E-mail chain from M. Poblete to N. Zada re Please beautify as only you can do	No objections.	n/a		
20	10/18/2017 E-mail chain N. Zada to M. Poblete re State Farm Insurance Payment Receipts requested by M. Poblete	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
21	Document entitled "Timeline"	This document contains Mr. Boyle's opinions as to the probability of Perfect 10 losing the case, which are improper legal opinions by a non attorney. (FRE 701, 702, see MIL #1)	The objections mischaracterize the exhibit, which reflect dates of orders entered in the Related Case and not the "legal opinions" of a witness.		
23	3/24/2015, 3/26/2015, 4/1/2015 Minutes of the Special Meeting of Board of Directors of Perfect 10, Inc.	No objections.	n/a		
24	05/15/2015 Email chain from M. Poblete to B. Hersh re Tax Payment	No objections.	n/a		
25	07/14/2015 Email from B. Hersh to M. Poblete re Utilities	No objections.	n/a		

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$\begin{bmatrix} 1 \\ 2 \\ 3 \end{bmatrix}$	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4	26	07/16/2015	No objections.	n/a		
5		Email from M. Poblete to B.				
		Hersh, cc: N.				
6		Zada re Perfect				
7		10 v. Norm Zada				
8						
9	28	Perfect 10 2014 Tax Return	No objections.	n/a		
10		workpapers				
11	30	07/24/2002	Exhibit	No evidentiary		
12	30	Letter	contains	exclusion for		
13		enclosing	unsigned	unsigned		
		Corporate	unused demand notes which are	documents and		
14		Demand Notes	irrelevant and	Mr. Zada, and Ms. Poblete can		
15			prejudicial	authenticate at		
16			(FRE 402, 403,	trial; relevant to		
17			404, see MIL	show intent in		
18			 #2)	making transfers (by way of		
19				showing Mr.		
				Zada's attempt		
20				to cover up the fact his		
21				contributions		
22				were paid in		
23				capital);		
24				admissible to show intent, not		
				propensity to		
25				keep accurate		
26				business records		
27				or other character traits.		
28				character traits.		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
32	Perfect 10 2015 Federal Tax Return	No objections.	n/a		
35	Perfect 10 2016 Federal Tax Return	No objections.	n/a		
38	Zada 2014 Federal and California Income Tax Returns	No objections.	n/a		
39	Zada 2015 Federal and California Income Tax Returns	No objections.	n/a		
40	Zada 2016 Federal Income Tax Return	No objections.	n/a		
41	Zada 2017 Federal Income Tax Return ("not finished")	No objections.	n/a		
42	Zada 2017 Federal Income Tax Return	No objections.	n/a		

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Ex. Description No.	Objection and Reasons	Response	Date Identified	Date Admitted
Spreadsheet of Metadata	Exhibit relates to unsigned unused demand notes which are irrelevant and prejudicial (FRE 402, 403, 404, see MIL #2)	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate underlying documents at trial and Mr. Eskridge can authenticate the spreadsheet created from them; relevant to show intent in making transfers (by way of showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
44	09/14/2018 N. Zada's Declaration in support of Defendants' Motion for Summary Judgment	No objections.	n/a		
45	Perfect 10 Store Invoices	No objections.	n/a		
46	Spreadsheet Reflecting Sales from the Perfect 10 Store	No objections.	n/a		
47	03/26/2015 Email from N. Zada to B. Hersh re Put Money in Retirement Account	No objections.	n/a		
48	01/23/2015 Email from N. Zada to M. Poblete re Loan	No objections.	n/a		
49	11/20/2014 Email string from N. Zada to I. Sky and P. Moseley re Mortgage Broker	No objections.	n/a		

CASE No.: 2:17-CV-05075-AB (JPR)

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
50	11/20/2014 Email string from N. Zada to I. Sky and P. Moseley re Mortgage Broker	No objections.	n/a		
51	11/29/2014 Email from N. Zada to M. Poblete re Loan Package	No objections.	n/a		
52	04/03/2015 Email from N. Zada to J. Kohut re Hard Money Loan	No objections.	n/a		
53	11/09/2012 Email from M. Poblete to N. Zada re Email to Bruce	No objections.	n/a		
54	09/23/2015 Email string from N. Zada to A. Vaghefi re Updated Contact Information	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
55	03/11/2015 Email from N. Zada to M. Poblete re Please Pay Eric Tomorrow if Possible	No objections.	n/a		
57	Lichtman Report Ex. 2 - CV	No objections.	n/a		
58	Lichtman Report Ex. 1 - Materials Considered list	No objections.	n/a		
59	12/12/2018 Email string from N. Zada to D. Lichtman re Google's New DMCA Instructions and H/W notes	No objections.	n/a		
60	06/06/2018 Letter agreement from D. Lichtman to M. Mickelson	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
61	02/04/2015 [Dkt. 676] Further Interim Findings re Defendants' Motion for Sanctions, Case No.: 11 -cv- 07098	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Relevant to show intent, reasonable belief that Perfect 10 would incur a debt it could not pay, and fact of pending sanctions for discovery abuses at the time of the fee award; not hearsay to prove the fact that Perfect 10 and Zada expected a monetary sanction to follow. (FRE 801); public records exception.		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
63	11/04/2013 [Dkt. 142-12] Ex. 9 to Decl. of Zada ISO Perfect 10's MSJ, August 18, 2011 DMCA Notice from Zada to Mr. Yokubaitis and October 20, 2011 letter from A. Bridges to E. Benink, Case No. 2:11-cv- 07098	No objections.	n/a		
64	Copyright Infringement & Remedies, pp. 168-169	No objections.	n/a		
65	Robert Lind, Copyright Law, pp. 157-162 (2018)	No objections.	n/a		
66	Robert Lind's H/W notes	No objections.	n/a		
67	07/09/2018 Email from N. Zada to R. Lind re seeking expert testimony	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
68	Lind invoices to M. Mickelson	No objections.	n/a		
69	12/14/2018 Lind invoices to M. Mickelson	No objections.	n/a		
70	01/23/2006 Mark Lachniet, "SANS Institute InfoSec Reading Room A Forensic Primer for Usenet Evidence," Sans Institute (2008)	No objections.	n/a		
71	Robert C. Lind CV	No objections.	n/a		
73	12/17/2018 Defendants' Objections to Subpoena on Expert Witness John Cooper	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
74	05/31/2013 Heidemann v. Detrani, No. D060843, 2013 WL 2370533 (Cal. App. May 31, 2013)	No objections.	n/a		
75	H/W notes by J. Cooper re case	No objections.	n/a		
76	Boyles CV	No objections.	n/a		
77	11/08/2018 Boyles materials considered index	No objections.	n/a		
78	10/23/2018 Perfect 10 P&L January- December 2012	These are not the original documents and have been modified by most likely, Mr. Boyles (FRE 106.) (See also MIL #1)	Defendants produced the QuickBooks data and can authenticate it at trial. Mr. Boyles will authenticate the reports he printed from electronic QB files and testify under oath as to his methods. Those reports are complete; however Plaintiffs or Defendants can		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
79	10/23/2018 Perfect 10 P&L January- December 2016	These are not the original documents and have been modified by most likely, Mr. Boyles (FRE 106.) (See also MIL #1)	submit the complete, originally produced electronic QB files to meet any FRE 106 concern. Defendants produced the QuickBooks data and can authenticate it at trial. Mr. Boyles will authenticate the reports he printed from electronic QB files and testify under oath as to his methods. Those reports are complete; however Plaintiffs or Defendants can submit the complete, originally produced electronic QB files to meet any FRE 106		

CASE No.: 2:17-CV-05075-AB (JPR)

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
80	10/23/2018 Perfect 10 Transactions by Account as of October 23, 2018	These are not the original documents and have been modified by most likely, Mr. Boyles (FRE 106.) (See also MIL #1)	Defendants produced the QuickBooks data and can authenticate it at trial. Mr. Boyles will authenticate the reports he printed from electronic QB files and testify under oath as to his methods. Those reports are complete; however Plaintiffs or Defendants can submit the complete, originally produced electronic QB files to meet any FRE 106 concern.		
81	Perfect 10 Index of Demand Notes	Exhibit relates to unsigned unused demand notes which are irrelevant and prejudicial (FRE 402, 403, 404, see MIL #2)	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in making transfers (by way of		

1 2		Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3					showing Mr.		
4					Zada's attempt		
5					to cover up the		
6					fact his contributions		
7					were paid in		
8					capital); admissible to		
9					show intent, not		
10					propensity to		
					keep accurate business records		
11					or other		
12					character traits.		
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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
82	Perfect 10 Index of Repayments of Principle	Exhibit relates to unsigned unused repayment notes which are irrelevant and prejudicial (FRE 402, 403, 404, see MIL #2)	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in making transfers (by way of showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits.		
83	10/23/2018 Perfect 10 Transaction Detail By Account January 1996- December 2016	No objections.	n/a		

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

CASE No.: 2:17-CV-05075-AB (JPR)

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
84	10/23/2018 Perfect 10 Transactions by Account as of July 31, 2010	No objections.	n/a		
85	10/23/2018 Perfect 10 Transactions by Account as of December 31, 2013	No objections.	n/a		
86	10/23/2018 Perfect 10 Transactions by Account as of December 31, 2010	No objections.	n/a		
87	10/23/2018 Perfect 10 Balance Sheet as of December 31, 2009	These are not the original documents and have been modified by most likely, Mr. Boyles (FRE 106.) (See also MIL #1)	Defendants produced the QuickBooks data and can authenticate it at trial. Mr. Boyles will authenticate the reports he printed from electronic QB files and testify under oath as to his methods. Those reports are complete, however		

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2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				Defendants can		
5				submit the complete,		
6				originally		
7				produced electronic QB		
8				files to meet any		
9				FRE 106 concern.		
10	88	Beverly Park	This is an	Relevant to		
11		Sale Journal	irrelevant	intent,		
12		Entry	document which will simply	reasonable expectation of a		
13			mislead the jury	debt Perfect 10		
14			into overestimating	could not pay, insolvency (to		
15			Dr. Zada's net	prove Perfect		
16			worth. It is also hearsay.	10's business expenses).		
17			(FRE 402, 403,	ехрензезу.		
18			802, see MIL #6)			
19	89	10/23/2018	,	n/a		
20	09	Perfect 10	No objections.	11/a		
21		Transaction Detail By				
22		Account				
23		January- December				
24		2011				
25						
26						
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Description	Objection and Reasons	Response	Date Identified	Date Admitted
10/23/2018 Perfect 10 Transactions by Account as of December 31, 2012	No objections.	n/a		
10/23/2018 Perfect 10 Transaction Detail By Account January- December 2012	No objections.	n/a		
10/23/2018 Perfect 10 Transaction Detail By Account January- December 2013	No objections.	n/a		
10/23/2018 Perfect 10 Transaction Detail By Account January- December 2014	No objections.	n/a		
	10/23/2018 Perfect 10 Transactions by Account as of December 31, 2012 10/23/2018 Perfect 10 Transaction Detail By Account January- December 2012 10/23/2018 Perfect 10 Transaction Detail By Account January- December 2013 10/23/2018 Perfect 10 Transaction Detail By Account January- December 2013	Reasons 10/23/2018 Perfect 10 Transactions by Account as of December 31, 2012 10/23/2018 Perfect 10 Transaction Detail By Account January- December 2012 10/23/2018 Perfect 10 Transaction Detail By Account January- December 2013 10/23/2018 Perfect 10 Transaction Detail By Account January- December 2013 No objections. No objections.	Reasons 10/23/2018 Perfect 10 Transactions by Account as of December 31, 2012 10/23/2018 Perfect 10 Transaction Detail By Account January- December 2012 10/23/2018 Perfect 10 Transaction Detail By Account January- December 2013 No objections. n/a n/a n/a n/a n/a n/a n/a n/	Reasons Identified 10/23/2018

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
94	08/27/2018 Norman Zada Transaction List by Date - Payments to Krause Kalfayan Benink & Slavens LLP	No objections.	n/a		
95	08/27/2018 Norman Zada Transaction List by Date - Payments to Lynell Davis	No objections.	n/a		
96	Index of Payments to Perfect 10 Employees, Consultants, and Affiliates by Norman Zada	No objections.	n/a		
97	Perfect 10 Balance Sheet Test as of Date of 2014 Transfers in Question	This document is not evidence, and contains a "probability of Loss for Judgment" row that is completely speculative, created by Mr. Boyles, a nonattorney. (FRE	Defendants provided the underlying QuickBooks data and financial records for these calculations. Mr. Boyles can authenticate document and testify under		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		701, 702, 402, 403 see MIL # 1)	oath as to his methods; Plaintiffs designated Mr. Boyles as a financial forensic expert to give testimony at trial under Rule 26(a)(2)—the "probability of Loss for Judgment" is not a speculation about the likelihood of a judgment; it is a quantitative calculation of what amount of liability, if accrued on Perfect 10's books, would render Perfect 10 insolvent under the balance sheet test. This is fully within Mr. Boyles' expertise.		
98	10/19/2018 Perfect 10 Transactions	No objections.	n/a		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	by Account as of April 30, 2015				
99	11/07/2018 FASB 505-10- 5-3 - Overview and Background - General	This is simply irrelevant material which will confuse the jury and waste scarce court resources. These are also not admissible under a request for judicial notice. (FRE 402, 403, 902 see MIL # 1, 3)	Relevant to accounting for Zada's contributions to Perfect 10 and to establish accounting standards for determining solvency; Mr. Boyles will be available to testify to the document's authenticity at trial.		
100	11/07/2018 FASB Master Glossary - Loss Contingency	This is simply irrelevant material which will confuse the jury	Relevant to accounting for Zada's contributions to Perfect 10 and to		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
101	11/07/2018 FASB 450-20-	and waste scarce court resources. These are also not admissible under a request for judicial notice. (FRE 402, 403, 902 see MIL # 1, 3) This is simply irrelevant	accounting standards for determining solvency; Mr. Boyles will be available to testify to the document's authenticity at trial. Relevant to accounting for		
	25 Recognition - General	material which will confuse the jury and waste scarce court resources. These are also not admissible under a request for judicial notice. (FRE 402, 403, 902 see MIL # 1, 3)	Zada's contributions to Perfect 10 and to establish accounting standards for determining solvency; Mr. Boyles will be available to testify to the document's authenticity at trial.		
102	Eskridge CV	Mr. Eskridge should not be allowed to testify because the unused and unsigned demand and repayment notes are	No evidentiary exclusion for unsigned documents and Mr. Zada, and Ms. Poblete can authenticate at trial; relevant to show intent in		

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1	Ex.	Description	Objection and	Response	Date	Date
2 3	No.	_	Reasons	_	Identified	Admitted
4			completely irrelevant (FRE	making transfers (by way of		
5			402, 403, 404,	showing Mr.		
6			see MIL #2)	Zada's attempt to cover up the		
7				fact his		
8				contributions were paid in		
9				capital);		
10				admissible to show intent, not		
11				propensity to		
12				keep accurate business records		
13				or other		
14				character traits.		
15				The objection		
16				addresses Mr. Eskridge's		
17				testimony, not		
18				his CV which is the exhibit in		
19				question and can		
20				be used to establish		
21				Eskridge's		
22				qualifications.		
23	103	Metadata index		No evidentiary exclusion for		
24			to unsigned unused demand	unsigned		
25			notes which are	documents and		
26			irrelevant and prejudicial	Mr. Zada, and Ms. Poblete can		
27			(FRE 402, 403,	authenticate		
28			404, see MIL	underlying documents at		
		•	•	•		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		#2)	trial and Mr. Eskridge can authenticate the spreadsheet created from them; relevant to show intent in making transfers (by way of showing Mr. Zada's attempt to cover up the fact his contributions were paid in capital); admissible to show intent, not propensity to keep accurate business records or other character traits		
104	12/31/2003 Perfect 10 Financial Report	No objections.	n/a		
105	12/31/2004 Perfect 10 Financial	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Report				
106	12/31/2005 Perfect 10 Financial Report	No objections.	n/a		
107	12/31/2006 Perfect 10 Financial Report	No objections.	n/a		
108	12/31/2007 Perfect 10 Financial Report	No objections.	n/a		
109	12/31/2009 Perfect 10 Financial Report	No objections.	n/a		
110	12/31/2010 Perfect 10 Financial Report	No objections.	n/a		
111	12/31/2011 Perfect 10 Financial Report	No objections.	n/a		
112	12/31/2012 Perfect 10	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Financial Report				
113	12/31/2014 Perfect 10 Financial Report	No objections.	n/a		
114	11/30/2014 Bank of America Account (ending no. 4952) Summary for November 1, 2014 to November 30, 2014	No objections.	n/a		
115	05/31/2015 Bank of America Account (ending no. 4952) Summary for May 1, 2015 to May 31, 2015	No objections.	n/a		
116	09/30/2015 Bank of America	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Account (ending no. 4952) Summary for September 1, 2015 to September 30, 2015				
117	12/05/2016 Perfect 10 General Ledger as of December 31, 2015	No objections.	n/a		
118	1996 Perfect 10 Federal Tax Return	No objections.	n/a		
119	1997 Perfect 10 Federal Tax Return	No objections.	n/a		
120	1998 Perfect 10 Federal Tax Return	No objections.	n/a		
121	1999 Perfect 10 Federal Tax Return	No objections.	n/a		
122	2000 Perfect 10 Federal Tax Return	No objections.	n/a		
123	2001 Perfect 10 Federal Tax	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Return				
124	2002 Perfect 10 Federal Tax Return	No objections.	n/a		
125	2003 Perfect 10 Federal Tax Return	No objections.	n/a		
126	2004 Perfect 10 Federal Tax Return	No objections.	n/a		
127	2005 Perfect 10 Federal Tax Return	No objections.	n/a		
128	2006 Perfect 10 Federal Tax Return	No objections.	n/a		
129	2007 Perfect 10 Federal Tax Return	No objections.	n/a		
130	2008 Perfect 10 Federal Tax Return	No objections.	n/a		
131	2009 Perfect 10 Federal Tax Return	No objections.	n/a		
132	2010 Perfect 10 Federal Tax Return	No objections.	n/a		
133	2011 Perfect 10 Federal Tax	No objections.	n/a		

CASE No.: 2:17-CV-05075-AB (JPR)

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Return				
134	2012 Perfect 10 Federal Tax Return	No objections.	n/a		
135	2013 Perfect 10 Federal Tax Return	No objections.	n/a		
136	12/31/1996 State Income Inception 12.31.1996	No objections.	n/a		
137	12/31/1997 Perfect 10 Financial Report	No objections.	n/a		
138	01/31/2000 General Ledger as of December 31, 1999	No objections.	n/a		
139	03/31/2010 2001 03 31 Perfect 10 Financial Report	No objections.	n/a		
140	12/31/2001 2001 12 31 Perfect 10 Financial Report	No objections.	n/a		
141	12/31/2002 2002 12 31	No objections.	n/a		

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	1				
Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Perfect 10 Financial Report				
142	07/31/2010 2007 07 31 Perfect 10 Financial Report	No objections.	n/a		
143	12/31/2013 Bank of America Account (ending no. 4952) Summary for December 1, 2013 to December 31, 2013	No objections.	n/a		
144	Bank of America Account (ending no. 4952) Summary for April 2014 through November 2015	No objections.	n/a		
146	11/07/2018 2- 17-cv-07098 Docket Sheet as of 11.7.2018	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to whether Defendants should have had a reasonable		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			belief that it would incur a		
			debt beyond its		
			ability to pay,		
			the fact of Perfect 10's		
			losses, and the		
			entry of orders memorializing		
			those losses.		
147	05/14/2015	No objections.	n/a		
	Email from B. Hersh to M.				
	Poblete re				
	Sales				
148	07/13/2015	No objections.	n/a		
	Ellenburg counsel email				
	for Perfect 10				
	Judgement Lien				
1.40		NI1-:	/-		
149	12/11/2015 T. Brown to	No objections.	n/a		
	Gregorian				
	emails				
150	06/14/2016 Email from M.	No objections.	n/a		
	Poblete to B.				
	Hersh re 2015 Sales - Orders				
	from				
	Shopify.xlsx w/o attachment				
	w/O attachment				

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
151	Excerpt from Perfect 10's American Express statement for account ending 2-34005 for February 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
152	Excerpt from Perfect 10's American Express statement for account ending 2-34005 for February 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
153	Excerpt from Perfect 10's American Express statement for account ending 2-34005 for February 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
154	Excerpt from Perfect 10's American Express statement for account ending	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	2-34005 for February 2014		10 expenses.		
155	Excerpt from Perfect 10's American Express statement for account ending 2-35002 for April 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
156	Excerpt from Perfect 10's American Express statement for account ending 2-35002 for June 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
157	Excerpt from Perfect 10's American Express statement for account ending 2-35002 for November 2014	Completely irrelevant. (FRE 402, 403, see MIL #3)	Relevant to intent to defraud, improper commingling of funds, and Zada paying Perfect 10 expenses.		
158	04/10/2012 Certificate of Title for a 2009 Lexus registered to N.	No objections.	n/a		

Ex.	Description	Objection and	Response	Date
No.		Reasons		Identified
	Zada			
159	N. Zada's Wells Fargo statement for account 0814029005 for April 2012	No objections.	n/a	
160	07/01/2014	No chications	7/0	
160	07/01/2014 Email string	No objections.	n/a	
	from N. Zada to M. Poblete			
	re			
	CALIFORNIA - 2073355 -			
	Perfect 10, Inc.			
	vs Giganews - 6/25/2014 -			
	forwarding			
	Veritext deposition			
	invoice			

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
161	04/13/2016 Email string from M. Poblete to N. Zada re We are going to need to order my veritex debtor's deposition transcript	No objections.	n/a		
162	03/03/2017 Email string from N. Zedah to D. Pasternak, cc to S. Sereboff, Z. Lake and M. Roman re Perfect 10 v. Giganews	No objections.	n/a		
163	07/14/2017 Email string from N. Zada to D. Pasternak re AOL	No objections.	n/a		
164	08/01/2018 Email string from N. Zada to D. Pasternak, R. Diefenbach cc: A. Bridges re AOL	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
165	07/16/2015 Email from N. Zada to Bookings4mari samiller@carte l- management.co m re Protecting the photos of Marisa Miller	No objections.	n/a		
166	07/16/2015 Email from M. Poblete to B. Hersh re Perfect 10 v. Norm Zada	No objections.	n/a		
167	03/02/2017 Email string from D. Pasternak to N. Zada cc to S. Sereboff, Z. Lake and M. Roman re Perfect 10 v. Giganews	No objections.	n/a		
168	08/01/2018 Email string from D. Pasternak to R.	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Diefenbach , N. Zada cc: A. Bridges re AOL				
169	07/17/2017 Email string from D. Pasternak to N. Zada and M. Mickelson re Giganews's false representations to the Court	No objections.	n/a		
170	03/03/2017 Email string from D. Pasternak to N. Zada cc S. Sereboff, Z. Lake and M. Roman re Perfect 10 v. Giganews	No objections.	n/a		
171	09/28/2017 Email string from D. Pasternak to N.	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Zada cc Z. Lake, M. Mickelson, A. Degenford, A. Ford re Purchase of Perfect 10				
172	02/10/2015 Redacted email string from N. Zada to SGraham@alm .com re Magistrate Hillman's Order	No objections.	n/a		
173	Excerpt from a UBS Resource Management Account statement for April 2015, account JP 28492 NO	No objections.	n/a		
174	07/20/2018 Email string from M. Poblete to N. Zada, B. Hersh	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	re quickbooks				
176	11/2004 Sheinfeld et al., "Fiduciary Duties of Directors of a Corporation in the Vicinity of Insolvency and After Initiation of a Bankruptcy Case," 60 Bus. Law 79 (2004)	This is simply irrelevant material which will confuse the jury and waste scarce court resources. These are also not admissible under a request for judicial notice. (FRE 402, 403, 902 see MIL # 1, 3)	Relevant to accounting for Zada's contributions to Perfect 10 and to establish accounting standards for determining solvency; Mr. Boyles will be available to testify to the document's authenticity at trial.		
177	2017 Perfect 10 Corrected Federal Tax Return	No objections.	n/a		
178	1996 Perfect 10 California Tax Return	No objections.	n/a		
179	04/04/2015 Email string from A. Bridges to E. Benink, J. Belichick, T.	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Gregorian, A. Nercessian, J. Wakefield, cc David Schultz, L. Davis re Confidential Proposal to Satisfy Judgment				
180	Bank of America Account (ending no. 4952) Summary for January 2014	A number of these statements have not been sufficiently redacted and contain the names of companies who have signed confidential settlement agreements	Defendants have sufficient time before trial to provide notice to those third parties so that they can seek relief if actually necessary.		

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
181	Bank of America Account (ending no. 4952) Summary for March 2014	A number of these statements have not been sufficiently redacted and contain the names of companies who have signed confidential settlement agreements	Defendants have sufficient time before trial to provide notice to those third parties so that they can seek relief if actually necessary.		
182	Bank of America Account (ending no. 4952) Summary for April 2015	A number of these statements have not been sufficiently redacted and contain the names of companies who have signed confidential settlement agreements	Defendants have sufficient time before trial to provide notice to those third parties so that they can seek relief if actually necessary.		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
183	05/15/2015 M. Poblete to B. Hersh re Tax Payment	No objections.	n/a		
184	05/14/2015 M. Poblete to B. Hersh re Tax Payment	No objections.	n/a		
185	01/21/2016 M. Poblete email to N. Zada, cc B. Hersh reTax payment	No objections.	n/a		
186	12/19/2016 Video: Demo_ How to Search and Download from Giganews using Mimo Newsreader available at https://www.yo utube.com/wat ch?v=jMY4VH A-6Dc	No objections.	n/a		
187	12/17/2016 Video: Demo_	No objections.	n/a		

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,	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		How to use Giganews'				
		Mimo				
		Newsreader to				
		Extract Message-IDs				
		available at				
		https://www.yo utube.com/wat				
		ch?v=DZp5KT				
		<u>S10y8</u>				
-	188	12/18/2016	No objections.	n/a		
		Video:				
		Demo_How to extract				
		Message-IDs				
		using Newsrover				
		available at				
		https://www.yo utube.com/wat				
		ch?v=BxlE2YF				
		6VE8&t=93s				
-	189	About	No objections.	n/a		
		Giganews -				

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	screenshot				
190	Photos of Ron and Judy Yokubaitis	No objections.	n/a		
191	Giganews webpage screenshot	Missing exhibit; it was never provided to Defendants and must therefore be stricken.	No such exchange is required under the local rules or the Court's standing orders or trial rules. L.R. 16-2.4; Fed. R. Civ. P. 26(a)(3)(A)(iii). Plaintiffs agree to provide a copy of the exhibit.		
193	11/27/2017 [Dkt. 25] Order on Motion to Dismiss	The Court's preliminary orders in this case are not evidence and will simply prejudice the jury. (FRE 402, 403, see see MIL #3)	Objection mischaracterizes the order; relevant to show fraudulent intent, specifically Zada's changing justifications of his reasons for the transfers.		
194	02/28/2018 [Dkt. 39] Order Denying Defs Motion for Judgment on	The Court's preliminary orders in this case are not evidence and	Objection mischaracterizes the order; relevant to show fraudulent		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	the Pleadings	will simply prejudice the jury. (FRE 402, 403, see MIL #3)	intent, specifically Zada's changing justifications of his reasons for the transfers.		
197	04/28/2011 [Dkt. 26-1] Perfect 10 v. Giganews, Complaint, Case No. 2:11- cv-0905	No objections.	n/a		
198	03/26/2013 [Dkt. 26-2] Perfect 10 v. Giganews, First Amended Complaint, Case No. 2:11- cv-07098	No objections.	n/a		
199	11/14/2014 [Dkt. 26-3] Perfect 10 v. Giganews, Order Granting Defendants Motion for Partial Summary	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Judgment on the Issue of Direct Copyright Infringement, Case No. 2:11- cv-07098				
200	11/14/2014 [Dkt. 26-4] Perfect 10 v. Giganews, Order Granting Defendants Motion for Partial Summary Judgment on the Issue of InDirect Copyright Infringement, Case No. 2:11- cv-07098	No objections.	n/a		
201	11/26/2014 [Dkt. 26-5]	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Perfect 10 v. Giganews, Judgment in Favor of Defendants, Case No. 2:11- cv-07098				
202	03/24/2015 [Dkt. 26-6] Perfect 10 v. Giganews, Order Granting Defendants' Motion for Attorneys' Fees and Costs, Case No. 2:11- cv-07098	Certain findings in this order are demonstrably false or hotly contested and will bias the jury. (FRE 402, 403, see MIL # 8)	Relevant to determining whether Defendants should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; the fact of the order's existence cannot be contested, and it has been affirmed by the Ninth Circuit. The fact of the		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			order is judicially noticeable (FRE 201) and the document is self-authenticating (FRE 902).		
203	02/13/2015 [Dkt. 26-7] Perfect 10 General Ledger as of December 31, 2014	No objections.	n/a		
204	Quickbooks Perfect 10 native files, including, but not limited to the native document produced as Perfect102016- 9- 9(thru2012012) .QBA	Missing exhibit; it was never provided to Defendants and must therefore be stricken.	The parties never agreed to exchange exhibits, and no such exchange is required under the local rules or the Court's standing orders or trial rules. L.R. 16-2.4; Fed. R. Civ. P. 26(a)(3)(A)(iii). The document comes from Defendants' production and was sufficiently identified. Plaintiffs can		

CASE No.: 2:17-CV-05075-AB (JPR)

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			provide Defendants a copy if necessary.		
205	Quickbooks N. Zada native files, including, but not limited to the native document produced as Norman Zadeh.QBW	Missing exhibit; it was never provided to Defendants and must therefore be stricken. As of January 17, 2019, Defendants still do not know what is contained in such files but they suspect that they contain all sorts of expenses of Dr. Zada that are personal, completely	The parties never agreed to exchange exhibits, and no such exchange is required under the local rules or the Court's standing orders or trial rules. L.R. 16-2.4; Fed. R. Civ. P. 26(a)(3)(A)(iii). The document comes from Defendants' production and was sufficiently identified. Plaintiffs can		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		irrelevant, and which will substantially bias (See MIL #6)	provide Defendants copies if necessary.		
206	08/18/2014 [Dkt. 356] Defendants' Motion to Compel Discovery Compliance and for Sanctions	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Relevant to show intent of transfers, reasonable belief that Perfect 10 would incur a debt it could not pay, and fact of pending sanctions for discovery abuses; not hearsay to prove the fact that Perfect 10 and Zada anticipated a monetary sanction to follow. (FRE 801).		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
207	08/18/2014 [Dkt. 388] Joint Stip. re Defendants' Motion to Compel Discovery Compliance and for Sanctions	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Same as 206. In addition, Defendants are parties against whom the admissions in the joint stipulation are offered and have personal knowledge of the contents of sections they submitted to the Court.		
208	08/18/2014 [Dkt. 389] Gregorian Decl. ISO Defendants' Motion to Compel Discovery Compliance and for Sanctions	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay.		

1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4			claims. (FRE			
5			402, 403, 802; see MIL #4)			
6			ŕ			
7						
8	200	00/10/2014	Di : .:cc	g 206		
9	209	08/18/2014 [Dkt. 394] Tran	Plaintiffs should not be	Same as 206. Relevant to		
10		Decl. ISO	allowed to	show a basis for		
11		Defendants' Motion to	show the jury such a denied,	reasonable belief that Perfect 10		
12		Compel	vacated and	would incur		
13		Discovery Compliance	mistake-ridden order, or related	debts beyond its ability to pay.		
14		and for	allegations.			
15		Sanctions	That would bias the jury and			
16			require Defendants to			
17			spend scarce			
18			Court resources to refute such			
19			unfounded			
20			claims. (FRE 402, 403, 802;			
21			see MIL #4)			
22	210	08/18/2014	Plaintiffs	Same as 206.		
23		[Dkt. 395]	should not be	Relevant to		
24		Belichick Decl. ISO	allowed to show the jury	show a basis for reasonable belief		
25		Defendants'	such a denied,	that Perfect 10		
26		Motion to Compel	vacated and mistake-ridden	would incur debts beyond its		
27		Discovery	order, or related	ability to pay.		
28		Compliance	allegations.			

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	and for Sanctions	That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)			
211	01/16/2015 [Dkt. 653] Belichick Decl. ISO Motion for Sanctions		Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay.		
212	02/03/2015 [Dkt. 672] Defendants' Response to Perfect 10	Plaintiffs should not be allowed to show the jury such a denied,	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Objections re Sanctions	vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	would incur debts beyond its ability to pay.		
213	BOFA statement for period 3-21-13 through 4-19- 13 for acct. ending in 0277, pp. 1-3	No objections.	n/a		
214	10/28/2015 [Dkt. 749] Court order to appear for examination	This document serves no purpose other than to bias the jury (FRE 402, 403, see MIL #3)	Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay; relevant context for jury to understand debtor examination testimony including		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			admissions to fraudulent transfers; judicially noticeable (FRE 201).		
215	10/13/2015 Subpoena to Perfect 10 produce documents	No objections.	n/a		
216	10/31/2014 Bank of America Account (ending no. 4952) Summary for October 1, 2014 to October 31, 2014	No objections.	n/a		
217	03/31/2015 Bank of America Account (ending no. 4952) Summary for March 1, 2015 to March 31, 2015	No objections.	n/a		
218	01/31/2015 Bank of	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	America Account (ending no. 4952) Summary for January 1, 2015 to January 31, 2015				
219	08/31/2015 Bank of America Account (ending no. 4952) Summary for August 1, 2015 to August 31, 2015	No objections.	n/a		
220	10/31/2012 Morgan Stanley account statement for October 1-31, 2012	No objections.	n/a		
221	08/31/2012 Wells Fargo bank statement for account ending in 5312 for August 1- 31, 2012	No objections.	n/a		

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1 2	Ex.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3		D 1 C		,		
4	222	Bank of America	No objections.	n/a		
5		Account				
		Activity				
6		Transaction				
7		Details for				
8		account ending in 0277				
9		111 0277				
	223	2013 Perfect 10	No objections.	n/a		
10		Federal and				
11		California tax documents				
12						
13	224	List of	No objections.	n/a		
		copyright registrations				
14		registrations				
15	225	Trademark	No objections.	n/a		
16		registrations				
17	226	Action chart	No objections.	n/a		
18	227	Domain name	This document	Relevant to		
19		registrations	contains a list	show Perfect		
20			of websites that	10's assets and		
			Perfect 10 received as part	address Defendants		
21			of a settlement	arguments		
22			as the defendant	regarding the		
23			had few other	value of its		
24			assets. It is	intellectual		
			inflammatory and no	property, business		
25			relevance to the	expenditures,		
26			case. It is also	and cash on		
27			hearsay. (FRE	hand, all of		
28			402, 403, 802	which are		

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1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4			see MIL #3)	relevant to		
5				solvency analysis.		
6 7 8	228	Document from Register.com	No objections.	n/a		
9	229	GoDaddy receipt	No objections.	n/a		
10 11	230	Model database	No objections.	n/a		
12	231	04/28/2016 Third Party	No objections.	n/a		
13		Bruce Hersh's				
14		Response to				
15		Defendant Giganews,				
16		Inc.'s Request				
17		for Production of Documents				
18		Pursuant to				
19		Subpoena				
20	232	05/11/2015 [Dkt. 714-1]	No objections.	n/a		
21		Declaration of				
22		Bruce Hersh in Opposition to				
23		Defendants'				
24		Motion to Alter or Amend				
25		Judgment to				
26		add Dr.				
27		Norman Zada as Judgment				
28		Debtor, Case				

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1						
1 2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3 4		No. 2:11-cv- 07098				
5 6 7	233	06/30/2009 Perfect 10, Inc. Financial Report	No objections.	n/a		
8 9 10 11	234	08/31/2009 Perfect 10, Inc. Financial Report	No objections.	n/a		
12 13 14 15	235	10/04/2013 E-mail to Bruce Hersh from M. Poblete re 1099s, w/attachments	No objections.	n/a		
16 17 18 19	236	12/06/2012 E- mail to Melanie Poblete from B. Hersh re Ultima Partners	No objections.	n/a		
2021222324	237	08/29/2013 E- mail to Bruce Hersh from M. Poblete re NZ Personal Checking, w/attachments	No objections.	n/a		
25262728	238	03/21/2014 E- mail to Melanie Poblete from B. Hersh re	No objections.	n/a		

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Ex.	Description	Objection and	Response	Date	Date
No.	•	Reasons	•	Identified	Admitted
	Solar				
239	05/13/2014 E- mail to Melanie Poblete from B. Hersh re Changes File	No objections.	n/a		
240	02/04/2013 E- mail to Melanie Poblete from B. Hersh re QB file to import	No objections.	n/a		
241	01/09/2013 E- mail to Bruce Hersh from M. Poblete re QB, w/attachments	No objections.	n/a		
242	08/25/2016 Subpoena to M. Poblete produce documents	No objections.	n/a		
243	11/17/2016 Amended Response of M. Poblete to Giganews' Subpoena to produce Documents	No objections.	n/a		
244	12/05/2016 Perfect 10 Profit & Loss Detail January	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	through December 2015				
245	10/29/2015 M. Poblete signed Certificate of Service re Appellant's Excerpts of Record Vol. 11 of 13	No objections.	n/a		
246	06/16/2015 M. Poblete email string to B. Hersh re Employment	No objections.	n/a		
247	09/06/2016 M. Poblete email string to B. Hersh re Perfect 10 LLC & Perfect 10 Inc SOS	No objections.	n/a		
248	Index of Amazon orders	No objections.	n/a		
249	M. Poblete W2 and Schedule C forms	No objections.	n/a		
250	10/21/2013 Letter from M. Poblete to A. Bridges re Perfect 10 v.	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Giganews				
251	09/26/2012 Email from J. Morganelli to M. Poblete re Usenet Piracy	No purpose other than to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3)	Relevant to intent in making the transfers and foreseeability of Perfect 10 liabilities; Melanie Poblete will be able to authenticate the document during her testimony at trial; not offered for a hearsay purpose; relevant to show then existing state of mind.		
252	07/11/2011 [Dkt. 21] Declaration of M. Poblete in support of Perfect 10's motion for Preliminary Injunction and Exs., Case No. 2:11-cv-07098	No objections.	n/a		
253	Perfect 10s Production Log	This is an improper 1 ½ page truncated version of the actual 6 page multi-colored	The version Plaintiffs submit was the version marked at Ms. Poblete's April 23, 2014		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		document. (FRE 106.)	deposition; the additional pages add nothing of substance, and need not be considered at the same time. (FRE 106).		
254	04/01/2014 Subpoena to M. Poblete produce documents	No objections.	n/a		
255	07/23/2011 Email string from M. Poblete to p [vilnius@centr um.cz re Veronika Zemanova w/attachment	No objections.	n/a		
256	07/29/2011 Copyright application	No objections.	n/a		
257	Norm Zada Demo Reel (video available at https://www.yo utube.com/wat	Material from a decade-old Perfect 10 promo video has no relevance to this case and is	Relevant to show nature of Perfect 10's business and its associated expenses and		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3)	finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		
258	10/29/2013 TBMBM Inc. Invoice	No objections.	n/a		
259	Video - How'd You Get to Be So Rich episode	Material from a decade-old TV episode has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		

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Ex.	Description	Objection and	Response	Date	Date
No.	1	Reasons	1	Identified	Admitted
260	03/31/2013 Perfect 10, Inc. Financial Report	No objections.	n/a		
261	O5/10/2012 Alison Frankel's On the Case " Perfect 10 CEO: Porno Troll or Copyright Crusader (or both)?, Thomson Reuters	No objections.	n/a		
262	05/07/2012 Rhett Pardon, "Perfect 10 Sues Tumblr Over Posted Images," Xbiz News Report	No objections.	n/a		
263	04/16/2014 DMCA Notice signed by Norm Zada	This is an intentionally degraded version of the actual notice. It is also violative of the best	The notice is legible; this is the version marked as an exhibit at Mr. Zada's April 25, 2014 deposition,		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		evidence rule. (FRE 402, 403, 106, See MIL #3)	and thus the one he has already authenticated as having personal knowledge of; Mr. Zada will be able to authenticate it at trial.		
264	06/03/2014 Letter from Lynell Davis to counsel for Giganews re Perfect 10 v. Giganews - Meet & Confer Re Motion for Sanctions	No objections.	n/a		
265	Sample videos 1 diva, 2 abpe scanmaster, 3 sample notice 1 and 2 use and 4 andmore	No objections.	n/a		
266	07/03/2014 Sample Notice 3 video	No objections.	n/a		
267	07/18/2011 [Dkt. 32-8] Declaration of G. Augustine	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	in support of Perfect 10's Opposition to Motion to Change venue, Case No. 2:11- cv-07098				
268	07/11/2011 [Dkt. 18] Declaration of Sheena Chou in support of Perfect 10's Motion for Preliminary Injunction, Case No. 2:11- cv-07098	No objections.	n/a		
269	07/11/2011 [Dkt. 20] Declaration of Sean Chumura in support of Perfect 10's Motion for Preliminary Injunction, Case No. 11 CV 0905	No objections.	n/a		
270	05/10/2014 Declaration of Mike Saz and Exhibits	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
271	01/29/2001 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		
272	04/08/2002 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			admission.		
273	04/11/2002 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		
274	10/27/2003 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			emotional condition (FRE 803); party admission.		
275	10/31/2003 Howard Stern Show Audio	Material from a decade-old Howard Stern show has no relevance to this case and is simply included in an attempt to bias the jury. It is also hearsay. (FRE 402, 403, 802 see MIL #3, 6)	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; hearsay exception as then-existing mental or emotional condition (FRE 803); party admission.		
276	11/23/2008 Perfect 10 v. Amazon, Inc., Case No. 2:05- cv-04753- AHM-SH, Reply Declaration of N. Zada in Support of Perfect 10's Motion for Partial	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Summary Judgment				
277	06/13/2013 Perfect 10 v. Yandex N.V., Case No. 3:12- cv-01521-WH, Declaration of N. Zada in Support of Perfect 10's Opposition to Defendants' Motion for Partial Summary Judgment	No objections.	n/a		
278	03/08/2013 [Dkt. 97] Order Granting Defendants' Motion to Dismiss in Part, Case No. 2:11-cv-07098	No objections.	n/a		
279	07/10/2013 [Dkt. 129] Order Granting Defendants' Motion to Dismiss in Part, Case No. 2:11-cv-07098	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
280	03/24/2015 [Dkt. 685] Order Denying Discovery Sanctions Motion, Case No. 2:11-cv- 07098	Plaintiffs should not be allowed to show the jury such a denied, vacated and mistake-ridden order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	Same as 206. Relevant to show a basis for reasonable belief that Perfect 10 would incur debts beyond its ability to pay; relevant to show that the Court denied sanctions for mootness, i.e., in absence of a fee award Perfect 10 still would have had a multimillion dollar liability that rendered it insolvent.		
281	01/11/2018 Email string from D. Pasternak to N. Zada, R. van Eendenburg, CC Mickelson re AOL	No objections.	n/a		

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1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4	282	09/27/2017	No objections.	n/a		
5		Email string from D.				
6		Pasternak to N.				
7		Zada, Z. Lake, Mickelson re				
$\stackrel{'}{8}$		purchase of				
9		Perfect 10				
0	283	09/28/2017 Email string	No objections.	n/a		
1		from D.				
2		Pasternak to A. Bridges re				
13		purchase of				
14		Perfect 10				
15	284	09/26/2017 Email string	No objections.	n/a		
16		from D.				
17		Pasternak to A. Bridges re				
18		Perfect 10				
.9	285	10/24/2018	No objections.	n/a		
20		Email string from D.				
21		Pasternak to N.				
22		Zada, CC R. Diefenbach, A.				
23		Bridges re				
24		AOL				
25	286	10/13/2017	No objections.	n/a		
26		Email string from D.				
27 28 28 28 28 28 28 28		Pasternak to A. Bridges, CC J.				

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Wakefield, T. Gregorian re Perfect 10				
287	Spreadsheet entitled "Perfect 10 domains RWR_1491345 933_2017-04- 04"	No objections.	n/a		
288	Spreadsheet entitled "Zada domains RWR_1491345 519_2017-04-04"	This document contains a list of websites that Perfect 10 received as part of a settlement as the defendant had few other assets. It is inflammatory and has no relevance to the case. It is also hearsay. (FRE 402, 403, 802 see See MIL #3)	Mischaracterizes exhibit—the parties reached no settlement in this or the underlying case; relevant to valuation of Perfect 10 assets, and Perfect 10 business expenditures and finances, including solvency; Zada will be able to authenticate at trial; not hearsay as record of regularly conducted activity—keeping track of domain names and IP (FRE		

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1 2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3				803).		
4						
5						
6	289	04/04/2017 Email string	No objections.	n/a		
7		from A.				
8		Bridges to D.				
9		Pasternak, S.				
10		Sereboff, J. Kluewer, CC				
11		R. Slates, J.				
12		Wakefield, T.				
		Gregorian, K. Sarvaiya, S.				
13		Menking, J.				
14		Weinstein re				
15		Giganews/Perf ect 10				
16		enforcement				
17		Due Diligence				
18		of Perfect 10's IP Portfolio				
19		[P245-G17374				
20		- Domains w/attachments				
21						
22	290	09/02/2014	Plaintiffs should not be	Same as 206. Relevant to		
		[Dkt. 425] Defendants'	allowed to	show a basis for		
23		Supplemental	show the jury	reasonable belief		
24		Memo in	such a denied,	that Perfect 10		
25		Support of Sanctions, Case	vacated and mistake-ridden	would incur debts beyond its		
26		No. 2:11-cv-	order, or related	ability to pay.		
27		07098	allegations.			
28			That would bias the jury and			

1							
2 3		Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				require			
5				Defendants to spend scarce			
6				Court resources			
				to refute such unfounded			
7				claims. (FRE			
8				402, 403, 802;			
9				see MIL #4)			
10	-	291	09/02/2014	Plaintiffs	Same as 206.		
11			[Dkt. 427] Belichick	should not be allowed to	Relevant to show a basis for		
12			Declaration in	show the jury	reasonable belief		
13			Support of	such a denied,	that Perfect 10		
14			Defendants' Supplemental	vacated and mistake-ridden	would incur debts beyond its		
15			Memo in	order, or related	ability to pay.		
16			Support of Sanctions, Case	allegations. That would bias			
17			No. 2:11-cv-	the jury and			
18			07098	require			
				Defendants to spend scarce			
19				Court resources			
20				to refute such			
21				unfounded claims. (FRE			
22				402, 403, 802;			
23				see MIL #4)			
24		292	09/02/2014	Plaintiffs	Same as 206.		
25			[Dkt. 424] Gregorian	should not be allowed to	Relevant to show a basis for		
26			Declaration in	show the jury	reasonable belief		
27			Support of	such a denied,	that Perfect 10		
28			Defendants' Supplemental	vacated and mistake-ridden	would incur debts beyond its		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Memo in Support of Sanctions, Case No. 2:11-cv- 07098	order, or related allegations. That would bias the jury and require Defendants to spend scarce Court resources to refute such unfounded claims. (FRE 402, 403, 802; see MIL #4)	ability to pay.		
293	12/31/2008 Perfect 10, Inc. Financial Report	No objections.	n/a		
294	Redacted bank statements showing \$70,000 and \$454,002 wires into Perfect 10 from Zada account	I; M. Plaintiffs will stipulate to a complete unredacted copy of PN-BOA-NZ1-0001-0004.	The additional bank statements that Plaintiffs request to put into evidence are not properly redacted and display Dr. Zada's complete personal bank account number, are violative of his privacy, may		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			bias the jury, and are completely irrelevant.		
295	Documents showing Dr. Zada purchased Lexus in 2012 with his own funds	AU; I; IC; M; R.	These documents show that Dr. Zada already owned the Lexus when he mistakenly purchased it from Perfect 10 and support his testimony that he intentionally overpaid for Perfect 10's assets in a futile attempt to the avoid the exact allegations Plaintiffs are making now.		
296	Email dated 8/10/2018 from receiver to Dr. Zada advising that 2004 scanner has little if any value	AU; R; P; H.	This is relevant and irrefutable evidence that the 11 year old scanner was essentially worthless when Dr. Zada purchased it from Perfect 10 in 2015.		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
297	Documents showing value of items from Ebay	AU; R; P; B; F; I; IC; H.	These documents show the prices that used couches, printers, and computers fetch on Ebay similar to the ones purchased from Perfect 10, and are thus highly relevant in determining the fair value of the physical assets that were transferred to Dr. Zada.		
298	Email exchange dated 8/10/18 for receiver to pick up 1,000 Perfect 10 back issues	AU; F; R; P; H.	It is highly relevant that the Receiver has apparently been unable to sell the 1,000 back issues provided to him by Perfect 10 for anything.		
299	Excerpts from 7/11/18 Zada Depo Transcript	MIL; R; P; S; H; ND; I.	Relevant to Dr. Zada's state of mind regarding Perfect 10 winning the Related Case, as well as determining		

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1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				exactly what Dr. Zada purchased		
5				from Perfect 10;		
6				not offered for truth of matter		
7				asserted, and		
8				therefore not		
9				hearsay.		
10	300	Excerpts from 10/31/18 Zada	MIL; R; P; H; ND; I.	Relevant to Dr. Zada's state of		
11		Depo	1.	mind regarding		
12		Transcript		Perfect 10 winning the		
13				Related Case; as		
14				well as		
15				determining exactly what Dr.		
				Zada purchased		
16				form Perfect 10; not offered for		
17				truth of matter		
18				asserted, and therefore not		
19				hearsay.		
20	301	Offer to settle	MIL; R; P; S.	It is extremely		
21	301	from Benink	, 1, 1, 5.	relevant that		
22				Defendants		
23				offered to pay the award in full		
24				days after it was		
25				entered. Defendants are		
26				unaware of any		
27				successful		
28				prosecution for unlawful transfer		

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2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				after the Plaintiff		
5				had rejected a full priced offer.		
				Relevant to Dr.		
6				Zada's state of		
7				mind re transfers; not		
8				offered for truth		
9				of matter		
10				asserted, and therefore not		
11				hearsay.		
12	302	Bank	AU; IC; I; M;	Relevant to		
13	302	statements	ND; R	typicality of		
14		showing	(including	transfers and		
		transfers in 2001 and 2002	because Defendants	therefore to Dr. Zada's mental		
15		from P10 to	sought and	state in making		
16		Zada totaling	received a time	them, and to Dr.		
17		\$5.4 million	limitation on discovery); P;	Zada's entitlement to		
18			B.	funds.		
19	303	Bank	AU; R; P; IC; I;	It is highly		
20		statements	M; B. Plaintiffs	relevant that Dr.		
21		showing	will stipulate to	Zada left over a		
22		settlements received in	the complete, original,	million dollars in the Perfect 10		
23		2013 and 2014	unredacted, and	bank account		
24		and amounts left after	unmarked	after the first set		
		transfers	copies of the bank	of \$900,000 in disputed		
25			statements.	transfers, which		
26				demonstrated that Perfect 10		
27				was left with the		
28				ability to pay		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			reasonably expected debts. The complete set of documents that Plaintiffs seek have highly confidential account numbers and names of parties involved in confidential settlements and irrelevant materials that may bias the jury.		
304	Redacted bank statements showing amounts in Zada personal account prior to transfers	AU; R; P; IC; I; M; B. Plaintiffs will stipulate to the complete, original, unredacted, and unmarked copies of the bank statements.	These statements are relevant because they show that Dr. Zada had little money in his account when the transfers were made, which argues against claims that he was transferring monies to keep them from Plaintiffs. The full version that Plaintiffs seek contains highly confidential as well as		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			irrelevant and		
			possibly		
			inflammatory		
			information.		
305	Redacted bank	AU; R; P; IC; I;	It is highly		
	statements and	M; B. Plaintiffs	relevant that		
	financial	will stipulate to	when Dr. Zada		
	statements	the complete,	removed the		
	showing	original,	disputed		
	quarterly	unredacted, and	\$850,000, he left		
	Perfect 10 bank	unmarked	approximately		
	balances	copies of the	\$338,000 in		
		bank	Perfect 10's		
		statements.	account, which		
			was roughly its		
			historical		
			average balance.		
			The pages that		
			Defendants		
			provide were		
			redacted to		
			remove highly		
			confidential as		
			well as		
			irrelevant		
			information.		
306	Redacted bank	AU; R; P; IC; I;	Relevant to Dr.		
500	statements	M; B. Plaintiffs	Zada's mental		
	showing	will stipulate to	state re transfers,		
	additions and	the complete,	his entitlement		
	withdrawals	original,	to funds, and		
	withdrawais	unredacted, and	Perfect 10's		
		unmarked	ability to pay its		
		copies of the	debts. The full		
		bank	version that		
		vank	Plaintiffs seek		

1						
2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4			statements.	contains highly		
5				confidential information such		
				as the identities		
6				of parties who		
7				made confidential		
8				settlements as		
9				well as		
10				irrelevant and possibly		
11				inflammatory		
12				information.		
13	307	Redacted bank	AU; R; P; IC; I;	Plaintiffs cannot		
14		statements	M; B. Plaintiffs	be allowed to		
		showing direct payment of	will stipulate to the complete,	object to evidence on		
15		Perfect 10 bills	original,	various grounds		
16		by Zada	unredacted, and	and		
17			unmarked copies of the	simultaneously seek the full		
18			bank	unredacted		
19			statements.	versions.		
20				Plaintiffs should not be allowed		
21				to show		
22				confidential and		
23				inflammatory materials to the		
				jury when they		
24				have no		
25				relevance to the case.		
26	200	C:1	IC. I			
27	309	Signed promissory	IC; I (incomplete	Plaintiffs are asking that		
28		notes from P10	version of			

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Ex. No.	escription	Objection and Reasons	Response	Date Identified	Date Admitted
	r \$1.655	Plaintiffs' Ex. 7. This has an extra cover page that is not a promissory note. Duplicative, but not complete as to 7); M.	Defendants be required to use Plaintiffs exhibit, which combines unsigned unused notes with signed notes. This is improper, as Defendants have not used the unsigned notes for any purpose in this case.		
desc	euments eribing anews	MIL; R; P; F; B; AU; IC; I.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will		

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1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				direct that he read and was		
5				aware of such		
6				documents during the		
7				pendency of the		
8				Related Case.		
9	311	Article that	MIL; R; P; F;	This case is		
10		Usenet Site agreed to pay	H; AU.	about Dr. Zada's interpretations of		
11		MPAA \$15		certain		
12		million in 2006		documents, whether those		
13				interpretations		
14				are correct or		
15				not. The documents at		
				issue were part		
16				of the reason Dr.		
17				Zada expected Perfect 10 to		
18				prevail. They are		
19				not offered for		
20				truth of matter		
				asserted, and therefore not		
21				hearsay; Dr.		
22				Zada will		
23				confirm on		
				direct that he		
24				read and was		
25				aware of such documents		
26				during the		
27				pendency of the		
28				Related Case.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
312	Warning from DOJ that it is unlawful to reproduce copyrighted materials without authorization	MIL; R; P; F; H; AU.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and was aware of such documents during the pendency of the Related Case.		
313	Congress' definition of a pirate website as offering movies and other obviously pirated materials for	MIL; R; P; F; H; AU.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	download		not. The		
			documents at		
			issue were part		
			of the reason Dr.		
			Zada expected		
			Perfect 10 to		
			prevail. They are		
			not offered for		
			truth of matter		
			asserted, and		
			therefore not		
			hearsay; Dr.		
			Zada will		
			confirm on		
			direct that he		
			read and was		
			aware of such		
			documents		
			during the		
			pendency of the Related Case.		
			Related Case.		
314	International	MIL; R; P; F;	This case is		
	Anti-piracy	H; AU.	about Dr. Zada's		
	caucus news		interpretations of		
	release dated		certain		
	May 19th,		documents,		
	2010 stating		whether those		
	that copyright		interpretations		
	holders must be		are correct or		
	paid for their		not. The		
	works		documents at		
			issue were part		
			of the reason Dr.		
			Zada expected		
			Perfect 10 to		
			prevail. They are		
			not offered for		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and was aware of such documents during the pendency of the		
315	Comparison of full length movies offered by Giganews vs. Megaupload (Related Case Docket No. 508-2.)	MIL; R; P; F; H; AU; M.	Related Case. This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail. They are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on		

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1						
2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3				1 1		
4				documents and was therefore		
				fully aware of		
5				them during the		
6				pendency of the		
7				Related Case.		
8	316	Examples of	MIL; R; P; F;	This case is		
9		unlicensed	AU; M; ND.	about Dr. Zada's		
9		movies, TV	, ,	interpretations of		
10		shows, and		certain		
11		songs, offered		documents,		
		by Giganews		whether those		
12		introduced into		interpretations		
13		evidence in		are correct or		
14		Related Case		not. The documents at		
				issue were part		
15				of the reason Dr.		
16				Zada expected		
17				Perfect 10 to		
				prevail. Whether		
18				there were		
19				actually movies		
20				being offered by		
20				Giganews is		
21				irrelevant, as		
22				long as Dr. Zada believed that		
				there were. The		
23				documents in		
24				dispute are not		
25				offered for truth		
				of matter		
26				asserted, and		
27				therefore not		
28				hearsay; Dr.		
20				Zada will		

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1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
				confirm on		
4				direct that he		
5				read and was		
6				aware of such		
				documents		
7				during the pendency of the		
8				Related Case.		
9				Ttoracca Case.		
	317	Examples of	MIL; R; P; F;	This case is		
10		infringement of	AU; M; ND.	about Dr. Zada's		
11		music on		interpretations of		
12		Giganews		certain		
		server		documents, whether those		
13		containing the term "bootleg"		interpretations		
14		in the title		are correct or		
		in the title		not. The		
15				documents at		
16				issue were part		
17				of the reason Dr.		
				Zada expected		
18				Perfect 10 to		
19				prevail. Whether		
20				there were		
				actually thousands of		
21				pirated songs		
22				being offered by		
23				Giganews is		
				irrelevant, as		
24				long as Dr. Zada		
25				believed that		
				there were. The		
26				documents in		
27				dispute are not		
28				offered for truth		
-0				of matter		

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1 2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3				asserted, and		
4				therefore not		
5				hearsay; Dr.		
6				Zada will confirm on		
7				direct that he		
.				read and created		
8				such documents		
9				and was		
10				therefore aware of such		
11				documents		
				during the		
12				pendency of the		
13				Related Case.		
14	318	Takedown	MIL; R; P; F;	This case is		
15		notices to	AU; I; IC; M;	about Dr. Zada's		
		U	B.	interpretations of		
16		Warner		certain		
17		Brothers, HBO, and Lionsgate		documents, whether those		
18		and Lionsgate		interpretations		
19				are correct or		
				not. The		
20				documents at		
21				issue were part of the reason Dr.		
22				Zada expected		
23				Perfect 10 to		
				prevail. Whether		
24				there were		
25				actually		
26				thousands of pirated movies		
27				and TV series		
				being offered by		
28				Giganews is		

Ex. No.	_	Objection and Reasons	Response	Date Identified	Date Admitted
			irrelevant, as long as Dr. Zada believed that there were. The documents in dispute are not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he read and was aware of such documents during the pendency of the Related Case.		
319	Movies and TV shows that Giganews continued to offer on its server despite repeated notice	MIL; R; P; F; AU; IC; M.	This case is about Dr. Zada's interpretations of certain documents, whether those interpretations are correct or not. The documents at issue were part of the reason Dr. Zada expected Perfect 10 to prevail, as they showed that Giganews was		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			clearly, in Dr.		
			Zada's view,		
			engaged in blatant criminal		
			copyright		
			infringement.		
			Based on		
			everything that		
			Dr. Zada knew,		
			people engaged		
			in obvious		
			criminal activity		
			don't win		
			lawsuits, let		
			alone get		
			awarded		
			attorneys fees.		
			Dr. Zada will confirm on		
			direct that he		
			created such		
			documents		
			during the		
			pendency of the		
			Related Case,		
			and was thus		
			very aware of		
			them.		
320	Judge Birotte	MIL; R; P; AU;	This is highly		
	(while U.S.	F; H.	relevant to Dr.		
	Attorney)		Zada's		
	issues press		expectations that		
	release		Perfect 10 would		
	regarding the		prevail. The		
	jailing of		validity of the		
	Gilberto		press release is		
	Sanchez for a		irrelevant. What		

$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	Ex.	Description	Objection and	Response	Date	Date
3	No.		Reasons		Identified	Admitted
4		year for		is relevant is that		
		uploading one		Dr. Zada read it		
5		copy of X men		and believed it.		
6		origins,		From Dr. Zada's		
		wolverine to		standpoint,		
7		megaupload.co m servers		Giganews was profitting from		
8		III SCI VCIS		the efforts of		
9				thousands of		
				uploaders like		
10				Mr. Sanchez.		
11				The press		
10				release showed		
12				that the		
13				government		
14				viewed such		
				uploaders as		
15				criminals. To		
16				Dr. Zada, that meant that		
17				Giganews was		
17				engaged in a		
18				criminal		
19				conspiracy to		
				infringe		
20				copyright, as it		
21				was profiting		
22				from the		
				uploading efforts		
23				of thousands of		
24				similar		
				criminals. The		
25				disputed document is not		
26				offered for truth		
27				of matter		
28				asserted, and is		

1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified
4				therefore not hearsay.	
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	321	Documents showing Giganews offered many copies of X men origins, wolverine in 2014	MIL; R; P; F; AU; IC; M; B.	This is highly relevant to Dr. Zada's expectations that Perfect 10 would prevail. X Men Origins was the same movie that Gilberto Sanchez was jailed for a year for uploading to megaupload.com servers. Whether Giganews was actually offering multiple pirated copies of that movie is irrelevant. What is relevant is that Dr. Zada believed Giganews was, which in Dr. Zada's mind, meant that Giganews was engaged in obvious criminal copyright infringement and	
2627				infringement and would thus	

28

Date

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			certainly lose the related case.		
322	Email from Giganews subscriber advising Giganews that almost everything it offered was pirated	MIL; R; P; F; I; AU; M; H.	Again, what matters is what Dr. Zada thought when he saw the disputed document, not whether the document is authentic or truthful. The disputed document is not offered for truth of matter asserted, and is therefore not hearsay; Dr. Zada will confirm on direct that he was aware of the document during pendency of the Related Case.		
323	E-mail from a Giganews subscriber saying that virtually everything offered by Giganews was stolen	MIL; R; P; F; I; AU; M; H.	Again, what matters is what Dr. Zada thought when he saw the disputed document, not whether the document is authentic or truthful. The		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
324	Excerpts from Dr. Zada's 4/24/14 deposition	MIL; R; P; I; H; ND.	disputed document is not offered for truth of matter asserted, and is therefore not hearsay; Dr. Zada will confirm on direct that he was aware of the document during pendency of the Related Case. It is hard to understand the basis for Plaintiffs' objections when they cite to multiple portions of that same deposition in their deposition designations. Dr. Zada's testimony during the pendency of the related case is highly relevant in supporting consistent testimony he will provide at		
	EVUIDIT I IST WITH (trial; this evidence is		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			therefore not		
			used to prove the		
			truth of the		
			matters asserted		
			by Dr. Zada		
			during his deposition, but		
			to prove that his		
			mental state has		
			been consistent		
			throughout both		
			the Related Case		
			and this case.		
225		MM D D I II	T. 1 1 .		
325	Excerpts from	MIL; R; P; I; H;	It is hard to		
	Dr. Zada's	ND.	understand the		
	6/30/14 deposition		basis for Plaintiffs'		
	deposition		objections when		
			they cite to		
			multiple portions		
			of that same		
			deposition in		
			their deposition		
			designations. Dr.		
			Zada's		
			testimony during		
			the pendency of		
			the related case		
			is highly		
			relevant in		
			supporting		
			consistent		
			testimony he		
			will provide at trial; this		
			evidence is		
			therefore not		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
326	Rosenblatt Declaration from Related Case	MIL; R; P; I; B.	used to prove the truth of the matters asserted by Dr. Zada during his deposition, but to prove that his mental state has been consistent throughout both the Related Case and this case. Mr. Rosenblatt testified in his declaration that Perfect 10 could easily write a program to automatically create DMCA notices with	Identified	Admitted
			machine readable Message-IDs, but then admitted in his deposition that he had no idea how to do that and was not a competent programmer. It is absolutely essential to a fair resolution of this case, that Defendants be		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			allowed point		
			out such		
			inconsistencies		
			to the jury		
			between the declarations		
			submitted by		
			Giganews and		
			their deponent's		
			deposition		
			testimony. Such		
			evidence		
			supports Dr.		
			Zada's		
			testimony that		
			he expected		
			Perfect 10 would		
			win in part		
			because he could		
			prove that Giganews'		
			declarants had		
			filed false and		
			misleading		
			declarations with		
			the Court.		
227	Dannanta	MIL . D. D. E.	C1		
327	Documents showing that	MIL; R; P; F;	Such evidence explains in part		
	showing that Message-IDs	AU; I; IC; M; B.	why Perfect 10		
	are	В.	expected to win		
	incomprehensi		the Related Case		
	ble,		and is consistent		
	unsearchable,		with Professor		
	and do not		Robert Lind's		
	prove the		opinion that the		
	infringing		Perfect 10		
	content was		DMCA notice		

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1 2	Ex.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3				1 . 1		
4		ever on Giganews's		he examined was DMCA-		
5		servers or when		compliant		
				whereas		
6				Giganew's		
7				Message-ID		
8				requirements		
				were "contrary to the statutory		
9				notice and		
10				takedown		
11				provisions as		
12				described in		
				§512(c)(3)."		
13				Lind Report p. 12 (Conclusion).		
14				12 (Conclusion).		
15	328	Documents	MIL; R; P; H;	Such evidence		
16		showing	AU; M; I	explains in part		
		notices similar to notice sent	(including improper	why Perfect 10 expected to win		
17			redactions);	the Related		
18		Related Case	ND.	Case. If other		
19		were processed		Usenet		
20		by other Usenet		Operators were		
		Operators		able to process Perfect 10's		
21				notices, then		
22				they must have		
23				been sufficient		
				to allow the		
24				Usenet Operator		
25				to locate the allegedly		
26				infringing		
27				material. These		
				documents are		
28				relevant to Dr.		

1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				Zada's mental		
				state re Perfect		
5				10's prospects for winning the		
6				Related Case;		
7				they are not		
				offered for the		
8				truth of the		
9				matter asserted,		
10				and therefore not		
11				hearsay; Dr. Zada will		
				confirm on		
12				direct that he		
13				created the		
14				notices at issue		
				and was fully aware that other		
15				Usenet		
16				Operators		
17				processed them.		
18	329	Perfect 10	MIL; R; P; H;	This evidence		
	329	notices	AU; M; I	simply supports		
19		processed by	(including	Dr. Zada's		
20		Facebook and	improper	beliefs and		
21		Yahoo	redactions);	testimony that		
22			ND.	Perfect 10's notices were		
23				DMCA		
				compliant and		
24				were not		
25				intentionally		
26				deficient as Plaintiffs		
27				claimed. The		
				notices and the		
28				fact that they		

1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
				were quickly		
4				processed are		
5				certainly not		
6				hearsay, as Dr.		
				Zada created the		
7				notices and sent		
8				them out, and		
				created the		
9				exhibits showing they were		
10				processed. These		
11				documents are		
				relevant to Dr.		
12				Zada's mental		
13				state re Perfect		
				10's prospects		
14				for winning the		
15				Related Case;		
16				they are not		
				offered for the		
17				truth of the		
18				matter asserted,		
10				and therefore not hearsay; Dr.		
19				Zada will		
20				confirm on		
21				direct that		
				created the		
22				notices at issue		
23				and was fully		
24				aware that		
				Facebook and		
25				Yahoo had		
26				processed them.		
27	330	Email	MIL; R; P; AU;	Relevant to Dr.		
		exchange with	F; H; B.	Zada's mental		
28		Dr. Zada's		state re Perfect		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	father dated 2/11/2014		10's prospects of winning the Related Case; not offered for truth of matter asserted, and therefore not hearsay.		
331	RIAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit	MIL; R; P; F; B; H.	The RIAA Amicus brief is highly relevant because the arguments made by the RIAA in its Amicus Brief largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the RIAA make the argument that automation is not a defense against direct copyright infringement. If the RIAA, who is an acknowledged expert on copyright, believed that		

should have won the Related Case, and Perfect 10 made the same arguments, then it is completely reasonable that Perfect 10 expected to win as well. Furthermore, it could not have been "reasonably apparent" early on, as Plaintiffs contend, that Perfect 10 or anyone else would have expected Perfect 10 to lose. 332 MPAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit MIL; R; P; F; The MPAA regarding direct financial benefit, largely match the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect 10 before the	esc	cription	Objection and Reasons	Response	Date Identified	Date Admitted
Case, and Perfect 10 made the same arguments, then it is completely reasonable that Perfect 10 expected to win as well. Furthermore, it could not have been "reasonably apparent" early on, as Plaintiffs contend, that Perfect 10 or anyone else would have expected Perfect 10 to lose. 332 MPAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit MIL; R; P; F; The MPAA Amicus brief is highly relevant because the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect						
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reasonable that Perfect 10 expected to win as well. Furthermore, it could not have been "reasonably apparent" early on, as Plaintiffs contend, that Perfect 10 or anyone else would have expected Perfect 10 to lose. 332 MPAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit MIL; R; P; F; The MPAA Amicus brief is highly relevant because the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect						
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"reasonably apparent" early on, as Plaintiffs contend, that Perfect 10 or anyone else would have expected Perfect 10 to lose. 332 MPAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit MIL; R; P; F; The MPAA Amicus brief is highly relevant because the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect				could not have		
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contend, that Perfect 10 or anyone else would have expected Perfect 10 to lose. 332 MPAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit B; H. Contend, that Perfect 10 or anyone else would have expected Perfect 10 to lose. The MPAA Amicus brief is highly relevant because the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect						
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332 MPAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit Ninth Circuit 10 to lose. The MPAA Amicus brief is highly relevant because the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect						
332 MPAA Amicus brief filed in support of Perfect 10's appeal to the Ninth Circuit B; H. The MPAA Amicus brief is highly relevant because the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect				_		
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support of Perfect 10's appeal to the Ninth Circuit because the arguments made by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect						
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appeal to the Ninth Circuit by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect						
Ninth Circuit by the MPAA regarding direct financial benefit, largely match the arguments made by Perfect						
financial benefit, largely match the arguments made by Perfect				•		
largely match the arguments made by Perfect						
the arguments made by Perfect				·		
made by Perfect						
10 before the				made by Perfect		
				10 before the		
District Court. The MPAA						

1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
				must get all six		
4				movie studios to		
5				vote in favor of		
6				submitting any		
				Amicus brief.		
7				That means, among other		
8				things, that		
9				Perfect 10's		
				lawsuit could		
10				not have been		
11				objectively		
12				unreasonable, if		
				all six studios		
13				would vote in		
14				favor of		
				supporting a creator of adult		
15				images. Because		
16				attorney's fees		
17				have rarely been		
				awarded when		
18				the underlying		
19				case was		
20				objectively		
				reasonable, that		
21				is yet more		
22				evidence supporting Dr.		
23				Zada's claim		
				that he never		
24				expected a fee		
25				award in the		
26				Related Case.		
27	333	Certified	MIL; R; P; F;	That Usenet		
		translation of	AU; H.	Operators who		
28		Frankfurt Main		have enchanged		

1					T		
$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$		Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3			A 44				
4			Attorney General's		content with Giganews have		
5			Office release		been arrested, is		
3			regarding		highly relevant,		
6			arrests of		as it supports Dr.		
7			Usenet		Zada's ongoing		
0			Operators,		belief that		
8			dated		Giganews is		
9			11/10/2017		involved in		
10					massive criminal		
					copyright infringement,		
11					and never should		
12					have won the		
13					Related Case,		
					yet alone been		
14					granted fees.		
15		224	NT.	MIL D. D. E.	The ATT		
16		334	News articles	MIL; R; P; F; H; IC.	That Usenet		
			regarding the German arrests	п, к.	Operators who have enchanged		
17			German arrests		content with		
18					Giganews have		
19					been arrested, is		
					highly relevant,		
20					as it supports Dr.		
21					Zada's ongoing		
22					belief that		
					Giganews is involved in		
23					massive criminal		
24					copyright		
25					infringement,		
					and never should		
26					have won the		
27					Related Case,		

28

Ex. No.	Description	Objection and Reasons	Response	Date Identified
			yet alone been granted fees.	
335	Evidence that Giganews copied content	MIL; R; P; F; AU.	That Usenet Operators who have enchanged	
	from Usenet Operators who		content with Giganews have	
	were arrested in Europe		been arrested, is highly relevant, as it supports Dr.	
			Zada's ongoing belief that	
			Giganews is involved in massive criminal	
			copyright infringement,	
			and never should have won the	
			Related Case, yet alone been granted fees.	
336	Excerpts of	MIL; R; P; I;	That a senior	
	email exchange with Jason Gull	AU; H; I.	official of the Justice	
	of the DOJ, dated,		Department spent 90 minutes	
	7/23/2018		speaking to Dr. Zada, and asked	
			him to help DOJ criminally	
			prosecute Giganews,	
			simply confirms Dr. Zada's	
			testimony that	

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

Date

Admitted

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			he believed that Giganews was unquestionably involved in massive criminal copyright infringement, and never should have won the Related Case, let alone been awarded fees.		
337	Lani Hicks documents showing Perfect 10 attempt to buy 1 mil plus film in November 2014	MIL; R; P; AU; F; H; B; IC.	This is positive proof that Perfect 10 expected to win as Dr. Zada would never have considered buying more than \$1 million in new film if Perfect 10 anticipated a loss.		
338	Documents showing Fantasy Records revenues	MIL; R; P; F; H; AU; I; B.	Relevant to Dr. Zada's mental state re Plaintiffs' receiving an attorney fee award in the Related Case; not offered for truth of matter asserted, and		

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$\begin{bmatrix} 1 \\ 2 \\ 3 \end{bmatrix}$	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				therefore not		
5				hearsay; Dr. Zada will		
				confirm on		
6				direct that he		
7				was aware that Fantasy records		
8				could easily pay		
9				the award that		
10				was granted		
11				during pendency of the Related		
				Case.		
12	339	Documents	MIL; R; P; F;	Relevant to Dr.		
13		showing Mattel		Zada's mental		
14		Revenues		state re		
15				Plaintiffs' receiving an		
16				attorney fee		
17				award in the		
18				Related Case;		
				not offered for truth of matter		
19				asserted, and		
20				therefore not		
21				hearsay; Dr. Zada will		
22				confirm on		
23				direct that he		
24				was aware		
				during the pendency of the		
25				related case, that		
26				Mattel's		
27				revenues were		
28				much greater than the award it		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			was ordered to pay.		
340	Giganews, Inc.'s responses to Defendant Perfect 10, Inc.'s Special Interrogatories, Set One	M; R; I; ND.	These response are highly relevant because Perfect 10 and Dr. Zada asked Giganews to identify cases where a Usenet Operator won, or where a fee exceeding the losers' yearly sales was awarded, and related requests, and Giganews refused to provide any cases at all for any of the requests. Unless Giganews can provide a case where a fee award against a copyright holder exceeded the copyright holders yearly sales (which it apparently cannot), it should not be allowed to contend that		

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1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				Perfect 10 could		
5				have reasonably expected to be		
				ordered to pay a		
6				fee award that		
7				was more than		
8				140 times sales.		
9	341*	Locke	MIL; R; P; I; F;	The Locke		
		Declaration	H; AU; IC;	Declaration		
10		from Related	improper expert	supports Dr. Zada's		
11		Case listing cases where	opinion.	testimony and		
12		fees were		belief that fees		
13		sought		had never		
				previously been		
14				awarded to		
15				parties who used other's people		
16				property for		
17				commercial		
				gain. The		
18				document is not		
19				being offered for		
20				the truth of the matter asserted,		
21				and therefore not		
				hearsay. Dr.		
22				Zada will		
23				confirm on		
24				direct that he was familiar		
				with the general		
25				basis on which		
26				fees could be		
27				awarded, based		
28				on Perfect 10's		
-0		_		successful		

Ex. No. Description No. Dijection and Reasons Date Identified Admitted defense against fee motions in the past. MPAA Amicus MIL: R; P; F; The MPAA Amicus brief in Spanski s highly relevant because the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won the Related.							
defense against fee motions in the past. 342* MPAA Amicus MIL; R; P; F; The MPAA Amicus brief in Spanski case Spanski s highly relevant because the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	2			Description	_	Response	
MPAA Amicus brief in Spanski case MIL; R; P; F; The MPAA Amicus brief in Spanski s highly relevant because the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won						defense against	
MPAA Amicus brief in Spanski case MIL; R; P; F; The MPAA Amicus brief in Spanski s highly relevant because the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	4					fee motions in	
brief in Spanski case Spanski s highly relevant because the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	5					the past.	
brief in Spanski case Spanski s highly relevant because the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	6	-	342*	MPAA Amicus	MIL: R: P: F:	The MPAA	
Spanski s highly relevant because the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	7					Amicus brief in	
the arguments made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won				case			
made by the MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	8						
MPAA regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	9						
regarding direct infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	10					•	
infringement liability largely match the arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won							
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arguments made by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	12						
by Perfect 10 before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	13						
before the District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	14						
District Court. For example, both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won							
both Perfect 10 and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	15						
and the MPAA make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	16						
make the argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	17						
argument that automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	18						
automation is not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won							
not a defense against direct copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	19					_	
copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	20						
copyright infringement. If the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won	21					against direct	
the MPAA, who is an acknowledged expert on copyright, believed that Perfect 10 should have won							
is an acknowledged expert on copyright, believed that Perfect 10 should have won						_	
24 acknowledged expert on copyright, believed that Perfect 10 should have won	23					· ·	
expert on copyright, believed that Perfect 10 should have won	24						
copyright, believed that Perfect 10 should have won							
Perfect 10 should have won						copyright,	
should have won	26						
	27						
	28					the Related	

1						
2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3				Case, then it is		
4				completely		
5				reasonable that Perfect 10		
6				expected to win		
7				as well.		
				Furthermore, it		
8				could not have		
9				been "reasonably		
10				apparent" early		
11				on, as Plaintiffs		
12				contend, that		
				Perfect 10 or		
13				anyone else would have		
14				expected Perfect		
15				10 to lose.		
16	343*	DOJ brief in	MIL . D. D. E.	The DOI and		
	343**	Spanski	MIL; R; P; F; H; B.	The DOJ and Copyright Office		
17		Spansici	11, 2.	Amicus brief in		
18				Spanski is		
19				highly relevant		
20				because the arguments made		
				by the DOJ and		
21				the Copyright		
22				Office regarding		
23				direct		
24				infringement liability largely		
25				match the		
				arguments made		
26				by Perfect 10		
27				before the		
28				District Court. For example,		
				i or example,		

$1 \parallel \square$					
2 Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4			both Perfect 10		
			and the		
			DOJ/Copyright		
			Office make the		
			argument that		
			copyright		
			infringement is		
			essentially a		
			strict liability		
			tort. What that		
			means, is that		
			the only issue is		
			whether a copy was made		
			without the		
			permission of		
			the copyright		
			holder. It doesn't		
			matter whether		
			the copy was		
			made in an		
			automated way,		
			or whether		
			everything was		
			copied at once,		
			including the		
			allegedly		
			infringing copy		
			(content neutral		
			copying). The		
			District Court		
			and the Ninth		
			Circuit seemed		
			to feel that		
			automated copying was		
			inactionable, as		
			machonaute, as		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			was copying a large number of unauthorized works at the same time. Perfect 10 and the DOJ and Copyright Office disagreed, as did the RIAA and MPAA. The bottom line is that the DOJ/Copyright Office Amicus brief is further evidence that it was not at all apparent that Perfect 10 would lose the Related Case.		
344*	Email regarding flood in P10 basement, dated October 18, 2014	R; H.	Relevant to reasons why unsigned promissory notes and repayment notes were probably drafted.		
345	Files suggestive of child pornography offered by Giganews in	MIL; R; P; AU; F; M.	Relevant to Dr. Zada's mental state re Perfect 10's prospects of winning the Related Case;		

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

CASE No.: 2:17-CV-05075-AB (JPR)

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	2014		not offered for truth of matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he was aware of such files being offered by Giganews during the pendency of the Related Case.		
346*	6 page multi color production log provided to Plaintifs in Related Case	MIL; R; P.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that event, Defendants should have the right to challenge the accuracy of that denied and vacated order. That challenge will in part note that Defendants provided almost 30 times as much discovery,		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			along with a six page multi-colored log. Plaintiffs have a truncated log (1 ½ pages) which is of low resolution in their exhibits as Ex. 253. If any production log is provided to the jury, it should be the higher resolution version.		
347*	Laven Decl. stating Giganews's production was defective	MIL; R; P; F.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that case, Defendants should have the right to challenge the accuracy of that denied and vacated order. That challenge will in part note that Defendants provided almost 30 times as		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			much discovery, and that Plaintiffs production was deficient as explained in Mr. Laven's declaration, of which Dr. Zada was fully aware.		
348*	Related Case response to Giganews RFP No. 2, containing 33 pages list of websites that infringed Perfect 10's content	MIL; R; P; F; H; ND; I.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that case, Defendants should have the right to challenge the accuracy of that denied and vacated order. That challenge will in part note the amount of work that Defendants did to create the 33 page list of websites that infringed Perfect 10's content shown in the		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			disputed RFP response. These documents are relevant to Dr. Zada's mental state re Perfect 10's prospects for winning the Related Case; they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he created the response to RFP No. 2.		
349*	Perfect 10 response to second set of interrogatories in Related Case	MIL; R; P; F; H; ND.	This will only be relevant if the jury is allowed to see the denied and vacated sanctions order or related allegations. In that instance, Defendants should have the right to challenge the accuracy of that denied and vacated order.		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			That challenge		
			will in part note		
			the amount of		
			work that		
			Defendants did		
			to respond to the		
			second set of		
			interrogatories in		
			the Related Case.own in the		
			disputed RFP		
			response. These		
			documents are		
			relevant to Dr.		
			Zada's mental		
			state re Perfect		
			10's prospects		
			for winning the		
			Related Case;		
			they are not		
			offered for the		
			truth of the		
			matter asserted,		
			and therefore not		
			hearsay; Dr.		
			Zada will		
			confirm on		
			direct that he		
			wrote the		
			interrogatory		
			responses at		
			issue.		
350*	-	MIL; R; P; B.	This will only be		
	Eileen Koch in		relevant if the		
	Related Case		jury is allowed		
			to see the denied		
			and vacated		

Ex.	_	Objection and Reasons	Response	Date Identified	Date Admitted
			sanctions order		
			or related		
			allegations. In that instance,		
			Defendants		
			should have the		
			right to		
			challenge the		
			accuracy of that		
			denied and		
			vacated order,		
			and show the		
			extent to which Plaintiffs heeped		
			abusive		
			discovery		
			requests on		
			Perfect 10's		
			former publicity		
			agent, who had		
			not worked for		
			Perfect 10 for		
			seven years.		
351		MIL; R; P; F;	This will only be		
	objections to	H.	relevant if the		
	interim sanctions order		jury is allowed to see the denied		
	in Related Case		and vacated		
	(Dkt. 681.)		sanctions order		
			or related		
			allegations. In		
			that instance,		
			Defendants should have the		
			right to		
			challenge the		
			accuracy of that		

1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified
4				denied and vacated order.	
5 6	352*	List of repeat infringers of Perfect 10	MIL; R; P; F; H; AU; IC; improper expert	This will only be relevant if the jury is allowed	
7 8		content in Related Case	opinion.	to see the denied and vacated	
9 10				sanctions order or related	
11				allegations. In that instance, Defendants	
12 13				should have the right to	
14				challenge the accuracy of that denied and	
15 16				vacated order, and show, for	
17 18				example, that Plaintiffs failed	
19				to provide the real identities of parties who were	
20 21				alleged to have infringed Perfect	
22				10's copyrights, as shown by the disputed exhibit.	
2324				These documents are	
2526				relevant to Dr. Zada's mental	
27				state re Perfect 10's prospects for winning the	
28				Related Case;	

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			they are not offered for the truth of the matter asserted, and therefore not hearsay; Dr. Zada will confirm on direct that he create the list of repeat infringers at issue.		
353*	Perfect 10 response to third set of interrogatories in Related Case	MIL; R; P; F; H; ND.	This interrogatory response proves a that Perfect 10 did in fact provide Giganews with over 39,000 pages of full message headers which contained close to 54,000 machine readable Message-IDs, at P-FH000001-39771. Giganews submitted a false declaration by Philip Molter (see in particular Dkt. 442, ¶ 39), where he lied about this fact.		

Ex. No.		Objection and Reasons	Response	Date Identified	Date Admitted
			In retrospect,		
			that lie may very		
			well have won		
			the Related Case		
			for Giganews.		
			These		
			documents are relevant to Dr.		
			Zada's mental		
			state re Perfect		
			10's prospects		
			for winning the		
			Related Case;		
			they are not		
			offered for the		
			truth of the		
			matter asserted,		
			and therefore not		
			hearsay; Dr.		
			Zada will		
			confirm on		
			direct that he		
			wrote Perfect		
			10's		
			interrogatory		
			responses.		
354	^k Zada Decl. in	MIL; R; P; M;	This is another		
	opposition to	H.	critical piece of		
	attorneys fee		evidence that		
	motion in		Perfect 10 did in		
	Related Case		fact provide		
	showing		Giganews with		
	examples of the		54,000 machine		
	54,000		readable		
	machine		Message-IDs		
	readable		which Giganews		
	Message-IDs		lied about. (See		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	provided by Perfect 10 to Giganews in June 2014, which Giganews did not process		Dkt. 442, ¶ 39.) The evidence is clearly not hearsay as Dr. Zada created all of the machine readable Message-IDs and provided them to Fenwick and West.		
355*	Additional examples of the 54,000 machine readable Message-IDs that were provided to Giganews in June of 2014	MIL; R; P; AU; F; ND.	This is just more evidence that Fenwick and West deponents, as well as Fenwick and West attorneys, grossly misled the Court. The Court can search the sample message-IDs provided in the exhibit to see that they are completely machine readable. In other words, Giganews actually had all the machine readable message-IDs it requested, it just		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			never processed them.		
356*	Davis declaration detailing lies told by Giganews deponents	MIL; R; P; M; I; H; F.	Yet more reasons why Dr. Zada expected that Perfect 10 would win the Related Case. Such evidence is not hearsay because Dr. Zada attended the depositions and was very aware of the content of Giganews's declarations.		
357*	Molter Declarations in Related Case (Dkt. 442)	MIL; R; P; I; B; H; F; AU.	These declarations are highly relevant to Dr. Zada's mental state, because Dr. Zada knew that Molter's deposition testimony conflicted with the declarations Molter submitted to the Court. Dr. Zada expected Perfect 10 would win easily in part		

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2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				because he		
•				believed that		
				Perfect 10 could		
				readily		
				demonstrate that		
				Giganews's		
				witnesses filed		
				multiple false		
				and misleading		
				declarations with the Court. These		
I						
				documents are relevant to Dr.		
				Zada's mental		
				state re Perfect		
				10's prospects		
				for winning the		
				Related Case;		
				they are not		
				offered for the		
				truth of the		
				matter asserted,		
				and therefore not		
				hearsay; Dr.		
				Zada will		
				confirm on		
				direct that was		
				fully aware of		
				these		
				declarations		
				during pendency		
				of the Related		
				Case.		
	358*	Ron Yokubaitis	MIL R; P.	This declaration		
		Declaration		is highly		
				relevant to Dr.		
				Zada's mental		

1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
4				state, because		
				Dr. Zada knew		
5				that Mr. Yokubaitis'		
6				deposition		
7				testimony		
1				conflicted with		
8				his declarations.		
9				Dr. Zada		
10				expected Perfect		
				10 would win		
11				easily in part because he		
12				believed that		
13				Perfect 10 could		
				demonstrate that		
14				Giganews's		
15				witnesses filed		
16				multiple false		
				and misleading declarations with		
17				the Court.		
18				the court.		
19	359*	Excerpts of	MIL; R; P; I.	Relevant to Dr.		
20		Perfect 10		Zada's mental		
		expert Professor		state re Perfect 10's prospects of		
21		Douglas Tygar		winning the		
22		declarations		Related Case;		
23		which contend		not offered for		
		that Giganews		truth of matter		
24		copies content		asserted, and		
25		and that Perfect 10's notices		therefore not		
26		were compliant		hearsay; Dr. Zada will		
27				confirm on		
				direct that he		
28				read this during		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			pendency of the Related Case.		
360*	Ron Youkubaitis emails saying Giganews has 145 employees which contradicts his deposition testimony	MIL; R; P.	The document is highly relevant to Dr. Zada's expectation that Perfect 10 would win. When Mr. Yokubaitis was deposed, he testified that he did not know if Giganews had more than 20 employees.		
361	Amended Perfect 10 tax return	IC (same Bates ranges carrying different docket stamps; duplicative of Plaintiffs' Ex. 177)	Plaintiffs want to include portions of Perfect 10's return that Defendants believe are irrelevant.		
362	Expert report issued by Professor Lichtman	MIL; R; P; H.	Professor Lichtman's report supports Dr. Zada's testimony that he expected Perfect 10 to win the Related Case and that it was not "reasonably apparent" that Perfect 10 would		

1				_	
2	Ex. No.	Description	Objection and Reasons	Response	Date Identified
3				1 1 7 1 1	
4				lose the Related Case.	
5	363	Expert report	MIL; R; P; H.	Professor Lind's	
6		issued by	, 11, 1, 11.	report states that	
7		Professor Lind		the Perfect 10	
				notice he	
8				examined was	
9				DMCA	
10				compliant, and also states that	
				Giganew's	
11				Message-ID	
12				requirements	
13				were "contrary	
				to the statutory	
14				notice and	
15				takedown	
16				provisions as described in	
				\$512(c)(3)."	
17				Lind Report p.	
18				12 (Conclusion).	
19				This report is	
				critically	
20				important and	
21				highly relevant because it	
22				supports Dr.	
23				Zada's	
				contention that	
24				he believed that	
25				Perfect 10's	
26				DMCA notices	
				were compliant	
27				and Message- IDs were not.	
28				The report also	
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JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

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1 2	E:		Description	Objection and Reasons	Response	Date Identified	Date Admitted
3 4 5 6 7 8 9 10 11 12 13					supports Dr. Zada's contention that Fenwick and West won the case by submitting multiple false and misleading declarations written by Fenwick and West attorneys which substantially misled the		
14 15					Court.		
16 17 18	364]	Notice Professor Lind Reviewed and opined was DMCA compliant	MIL; R; P; M.	The notice is highly relevant because Professor Lind opined that it was DMCA		
19 20		•	which		compliant and		
21		1	Giganews belatedly		the notice is similar to most		
22]	processed		of the other notices that		
23					Perfect 10 sent		
24					to Giganews. This supports		
25					Dr. Zada's testimony that		
2627					he fully expected that		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			Perfect 10 would win the case.		
365	Cooper Expert Report	MIL; R; P; H.	Relevant to reasonably equivalent value received by Perfect 10 from Dr. Zada and to rebut assertions made by Steven Boyles		
366	Misc financial documents	IC; I.	Relevant to various transfers and other financial issues.		
367*	Tax documents showing Zada had no income to offset by Perfect 10 losses	R; I; B.	This document will be needed if Defendants are unsuccessful in their Motion in Limine to prevent the jury from hearing certain findings in the fee award that Defendants strenuously disagree with, in particular, the finding that Dr. Zada benefitted from Perfect 10's losses, a finding which was simply not		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			correct and based on misleading statements made by Plaintiffs.		
368	Order denying alter ego motion in Related Case (Dkt. 734)	R; P; B.	This order is relevant to the issue of whether Perfect 10 was able to pay reasonably expected debts as they became due.		
369	Excerpts from Ninth Circuit ruling in appeal of Related Case	MIL; I.	This order is relevant to the issue of whether Perfect 10 was able to pay reasonably expected debts as they became due.		
370	Bank of America Account (ending in 0277) statements from March 2015 through August 2018	No objections.	n/a		
371*	Chaney related	R; P; B; H; IC; I (including	This evidence will be needed to		

CASE No.: 2:17-CV-05075-AB (JPR)

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1 2	Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
3			improper	refute Ms.		
4			redactions);	Chaney's		
5			AU; Fed. R.	testimony if Ms.		
6			Civ. P. 5.2; ND	Chaney is allowed to		
7				testify or		
				portions of her		
8				video are played		
9				to the jugy.		
10	372	01/10/2019 N.	R; P; IC; AU;	No response		
11		Zada	M; ND	served.		
12		Quickbooks Find Report				
13		Tind Report				
14						
	373	09/08/2014	R; P; MIL;	This document		
15		[Dkt. 436]	FUS; ND; AU	is needed to		
16		Perfect 10's Opposition to		demonstrate that Perfect 10's		
17		Defendants'		arguments in the		
18		Motion for		Related Case		
		Partial		were similar to		
19		Summary		the arguments		
20		Judgment of No Direct		made by the RIAA, MPAA,		
21		Infringement,		DOJ and		
22		Case No. 2:11-		Copyright Office		
		cv-07098		before the Ninth		
23				Circuit and/or in		
24				the D.C. Appelate court		
25				in <i>Spanski</i> . In		
26				other words, it		
27				demonstrates		
				that it was not		
28				"reasonably		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			apparent" to		
			either the RIAA,		
			MPAA, DOJ, or		
			Copyright Office that Perfect 10		
			would lose the		
			Related Case.		
			These		
			documents are		
			relevant to Dr.		
			Zada's mental		
			state re Perfect		
			10's prospects		
			for winning the		
			Related Case;		
			they are not		
			offered for the		
			truth of the		
			matter asserted, and therefore not		
			hearsay; Dr.		
			Zada will		
			confirm on		
			direct that he co-		
			drafted Perfect		
			10's opposition.		
271	10/06/2014	D. D. MIL.	This do aymont		
374	10/06/2014 [Dkt. 536]	R; P; MIL; FUS; ND; AU	This document is needed to		
	Perfect 10's	ros, ND, AU	demonstrate that		
	Opposition to		Perfect 10's		
	Defendants'		arguments in the		
	Motion for		Related Case,		
	Partial		were similar to		
	Summary		the arguments		
	Judgment of		made by the		
	No Indirect		RIAA, and		
	Infringement,		MPAA, before		

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Case No. 2:11-		the Ninth Circuit		
	cv-07098		as well as		
			Professor		
			Lichtman in his		
			expert report. In		
			other words, it		
			demonstrates		
			that it was not		
			"reasonably		
			apparent" to		
			either the RIAA,		
			MPAA, or		
			Professor		
			Lichtman, that		
			Perfect 10 would		
			lose the Related		
			Case. These		
			documents are		
			relevant to Dr.		
			Zada's mental		
			state re Perfect		
			10's prospects		
			for winning the		
			Related Case;		
			they are not offered for the		
			truth of the		
			matter asserted,		
			and therefore not		
			hearsay; Dr.		
			Zada will		
			confirm on		
			direct that he co-		
			drafted Perfect		
			10's opposition.		
375	10/20/2014	R; P; MIL; ND;	This document		
	[Dkt. 550]		is needed to		

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

1 2 3	Ex. No.	Description	Objection and Reasons	Response	Date Identified
4		Perfect 10's Opposition to	AU; M	demonstrate that Perfect 10's	
5		Motion for		arguments in the	
6		Partial		Related Case,	
7		Summary Judgment on		were similar to the opinions	
		Inadequacy of		expressed by	
8		Perfect 10's		Professor Robert	
9		Notices Under		Lind. These	
10		the Section 512		documents are	
11		Safe Harbor, Case No. 2:11-		relevant to Dr. Zada's mental	
		cv-07098		state re Perfect	
12				10's prospects	
13				for winning the	
14				Related Case;	
				they are not offered for the	
15				truth of the	
16				matter asserted,	
17				and therefore not	
18				hearsay; Dr.	
				Zada will confirm on	
19				direct that he co-	
20				drafted Perfect	
21				10's opposition.	
22	376	01/12/2015	ND; R; P; MIL	This document	
23		[Dkt. 650]		will support Dr.	
24		Perfect 10's		Zada's	
		Opposition to Motion for		testimony as to	
25		Award of		why Perfect 10 did not expect to	
26		Attorney's Fees		be ordered to	
27		and Expenses		pay any of	
28				Giganews's	
40				attorneys fees.	

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

Date

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2		Ex. Io.	Description	Objection and Reasons	Response	Date Identified
					These	
4					documents are	
5					relevant to Dr.	
6					Zada's mental	
					state re Perfect	
7					10's prospects for winning the	
8					Related Case;	
9					they are not	
					offered for the	
10					truth of the	
11					matter asserted,	
12					and therefore not	
12					hearsay; Dr.	
13					Zada will	
14					confirm on	
					direct that he co- drafted Perfect	
15					10's Opposition.	
16					To a Opposition.	
17	37	77	Beverly Park	This is an	Relevant to	
			Images	irrelevant	show nature of	
18				document which		
19				will simply	business and its	
20				mislead the jury	associated	
				into overestimating	expenses and finances, which	
21				Dr. Zada's net	is relevant to	
22				worth. It is also	reasonable	
23				hearsy, its origin		
				and provenance	solvency	
24				are not	analysis; trial	
25				explained and it	witnesses will	
26				is thus	authenticate;	
				inadmissible	exhibit is not	
27				because it isnot	testimonial in	
20				authorized or	nature/includes	

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no "statements"

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		identified. It was also not produced by Plaintiffs in discovery and is thus inadmissible. (FRE 402, 403, 802, 901, see also MIL #3, 6)	and therefore is not offered for the truth of any matter asserted.		
378	Norfield Court Images	This is an irrelevant document which will simply mislead the jury into overestimating Dr. Zada's net worth. It is also hearsy, its origin and provenance are not explained and it is thus inadmissible because it isnot authorized or properly identified. It was also not produced by Plaintiffs in discovery and is thus inadmissible. (FRE 402, 403,	Relevant to show nature of Perfect 10's business and its associated expenses and finances, which is relevant to reasonable expenses for solvency analysis; trial witnesses will authenticate; exhibit is not testimonial in nature/includes no "statements" and therefore is not offered for the truth of any matter asserted.		

JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		802, 901, see also MIL #3, 6)			
379	3/17/2014 Related Dkt. No. 223, Order re Motion to Compel	ordered are not listed. Plaintiffs seek to improperly use such incomprehensible and irrelevant materials for	should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; offered to prove that the threat of		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		Defendants. See MIL #3.			
380	4/24/2017 Related Dkt. No. 254, Order re Motion to Compel	ordered are not listed. Plaintiffs seek to improperly use such incomprehensible and irrelevant materials for	should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; offered to prove that the threat of		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		Defendants. See MIL #3.			
381	6/5/2014 Related Dkt. No. 312, Order re Motion to Compel	ordered are not listed. Plaintiffs seek to improperly use such incomprehensible and irrelevant materials for	should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; offered to prove that the threat of		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		Defendants. See MIL #3.			
382	6/23/2014 Related Dkt. No. 326, Order re Motion to Compel	ordered are not listed. Plaintiffs seek to improperly use such incomprehensible and irrelevant materials for	should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; offered to prove that the threat of		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		Defendants. See MIL #3.			
383	11/14/2014 Related Dkt. No. 619, Order Granting Defendants' Motion for Partial Summary Judgment on the Issue of Direct Copyright Infringement	No objection.	n/a		
384	11/14/2014 Related Dkt. No. 620, Order Granting Defendants' Motion for Partial Summary Judgment on the Issue of InDirect Copyright Infringement	No objection.	n/a		
385	11/26/2014 Related Dkt. No. 628, Judgment in Favor of Giganews and	No objections.	n/a		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
	Livewire				
386	3/6/2015 Related Dkt. No. 682, Order Denying Plaintiff's Motion for Reconsideratio n	No objections.	n/a		
387	3/24/2015 Related Dkt. No. 686, Amended Order Granting Defendants' Motion for Attorney's Fees and Costs	Certain findings in this order are demonstrably false or hotly contested and will bias the jury. (FRE 402, 403, see MIL # 8)	Relevant to determining fraudulent intent and whether Defendants should have had a reasonable belief that Perfect 10 would incur a debt beyond its ability to pay; Plaintiffs are collaterally estopped from challenging the Court's ruling; any inflammatory effect on the jury would be legitimate as the misconduct described is directly relevant		

Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
			the case.		
388	1/23/2017 Perfect 10, Inc. v. Giganews, Inc., et al., D.C. Nos. 15- 55500, -55523, Opinion (9th Cir.)	No objections.	n/a		
389	9/14/2018 Defendants' Motion for Summary Judgment (Dkt. 67)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		
390	11/30/2018 Defendants' Reply in Support of Motion for Summary Judgment (Dkt. 121)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
		will likely confuse and bias the jury. See MIL #3)			
391	9/5/2017 Defendants' Motion to Dismiss (Dkt. 12)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		
392	10/6/2017 Defendants' Reply in Support of Motion to Dismiss (Dkt. 19)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
393	2/2/2018 Defendants' Motion for Judgment on the Pleadings (Dkt. 33)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		
394	2/16/2018 Defendants' Reply in Support of Motion for Judgment on the Pleadings (Dkt. 37)	Plaintiffs are improperly seeking to put Defendants' pleading before the jury and then note that the Court rejected them. Such pleadings are irrelevant, and will likely confuse and bias the jury. See MIL #3)	Statements in the document are relevant to show fraudulent intent, specifically Zada's shifting explanations for his reasons for the transfers.		

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Ex. No.	Description	Objection and Reasons	Response	Date Identified	Date Admitted
395	Additional payments of Perfect 10 expenses made by Norman Zada	ND; R; P; B; AU	These documents show other Perfect 10 legal expenses paid for by Dr. Zada.		

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ATTORNEYS AT LAW

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	1	Dated: January 18, 2019	FENWICK & WEST LLP		
	2				
	3		By: /s/ Todd R. Gregorian		
FENWICK & WEST LLP Attorneys at Law	4		Todd R. Gregorian		
	5		Attorneys for Plaintiffs,		
	6		GIGANEWS, INC. and LIVEWIRE SERVICES, INC.		
	7				
	8	Dated: January 18, 2019	LAW OFFICES OF MATTHEW C.		
	9	•	MICKELSON		
	10				
	11		By: /s/ Matthew C. Mickelson Matthew C. Mickelson		
	12		Matthew C. Mickelson		
	13		Attorneys for Defendants, PERFECT 10, INC. and NORMAN ZADA		
	14		TERTECT TO, INC. and NORWAN ZADA		
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	_ 5	JOINT EXHIBIT LIST WITH OBJECTIONS AND RESPONSES	159 Case No.: 2:17-cv-05075-AB (JPR)		